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**FINAL**  
CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. May 18, 2010

City Council Chambers  
455 North Main

**OPENING OF REGULAR MEETING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on May 11, 2010

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**AWARDS AND PROCLAMATIONS**

- Proclamations:
  - Air Quality Awareness Month
  - Motorcycle Awareness Month
  - WSU Men's Bowling Champions
  - National Association of Insurance Women
- Awards:
  - Mayor Certificates to Sister Cities/Cancun Students

**I. PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a “first-come, first-served” basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

None

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**COUNCIL BUSINESS**

**II. UNFINISHED COUNCIL BUSINESS**

1. Public Hearing and Issuance of Health Care Facilities Improvement Revenue Bonds, Larksfield Place.  
(District II) (Deferred May 11, 2010)

RECOMMENDED ACTION: Place on first reading the ordinance authorizing the issuance of Health Care Facilities Revenue Bonds to Larksfield Place, in an amount not-to-exceed \$12,800,000, subject to the Letter of Intent Conditions, authorize staff to apply for the sales tax exemption and authorize the necessary signatures.

**III. NEW COUNCIL BUSINESS**

1. Appeal of License Revocation - Pure Entertainment, 8545 West Irving. (District V)

RECOMMENDED ACTION: Conduct a hearing of the licensee's appeal and issue an order either upholding or overturning the same.

2. Authorize and Approve an Interlocal Agreement by and between City of Wichita, Sedgwick County and Unified School District # 259 concerning the Neighborhood Revitalization Area Program.

RECOMMENDED ACTION: Authorize and approve the amended Interlocal Agreement and place Ordinance on first reading of the City Council.

3. Substantial Amendment to the 2009-2013 Consolidated Plan.

RECOMMENDED ACTION: Approve the proposed amendments to the Neighborhood Revitalization Plan and authorize a 30 day public comment period.

4. *Contract Lease Extension with Henry Helgersen Company.* *(PULLED PER CITY MANAGER)*

5. Cultural Funding Allocation Recommendations.

RECOMMENDED ACTION: Approve the Fiscal Year (FY) 2011 funding allocations recommended for arts and cultural organizations by the Cultural Funding Committee.

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**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

**PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

**IV. NON-CONSENT PLANNING AGENDA**

None

**V. CONSENT PLANNING AGENDA (ITEMS 1 AND 2)**

1. \*ZON2010-00011 – City zone change from GO General Office (“GO”) to NR Neighborhood Retail (“NR”); generally located on the south side of Central Avenue, 500 feet west of Woodlawn Boulevard. (District II)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading.

2. \*DED2010-00004 - Dedication of Utility Easement located on the northeast corner of Douglas and Washington. (District I)

RECOMMENDED ACTION: Accept the Dedication.

**HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Summer Jackson, Housing Member is also seated with the City Council.

**VI. NON-CONSENT HOUSING AGENDA**

None

**VII. CONSENT HOUSING AGENDA**

None

**AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**VIII. NON-CONSENT AIRPORT AGENDA**

None

**IX. CONSENT AIRPORT AGENDA**

None

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**COUNCIL AGENDA**

**X. COUNCIL MEMBER AGENDA**

None

**XI. COUNCIL MEMBER APPOINTMENTS**

1. **Board Appointments.**

RECOMMENDED ACTION: Approve the Appointments.

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**XII. CONSENT AGENDA (ITEMS 1 THROUGH 14A)**

1. **Report of Board of Bids and Contracts dated May 17, 2010.**

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

2. **Preliminary Estimates:**

- a. Preliminary Estimates. (See Attached)

RECOMMENDED ACTION: Receive and file.

3. Deeds and Easements:

- a. Deeds and Easements. (See Attached)

RECOMMENDED ACTION: Accept documents.

4. Agreements/Contracts:

- a. Contract for Consultant Services for Acquisition and Relocation: Improvement of Kellogg (US 54) from 119th Street West to 151st Street West. (District V)  
b. Contract for Consultant Services for Acquisition and Relocation: 13th Street North Improvement Project. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

5. Property Acquisition:

- a. Partial Acquisition of land at 1855 and 1902 South Sedgwick for the Meridian Drainage Outfall and Orient Boulevard Realignment Project. (District IV)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

6. Minutes of Advisory Boards/Commissions

Board of Electrical Appeals, February 9, 2010  
Board of Code Standards and Appeals, April 5, 2010  
Airport Advisory Board, March 8, 2010  
Airport Advisory Board, April 5, 2010

RECOMMENDED ACTION: Receive and file.

7. Senior Management Expenses, for the months of February, March, and April 2010.

RECOMMENDED ACTION: Receive and file.

8. Lawrence-Dumont Stadium - Capital Improvement Program (CIP) Funded Improvements. (District IV)

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

9. 2010 Street Rehabilitation Program. (Districts I, II and III)

RECOMMENDED ACTION: Approve the project, place the ordinance on first reading and authorize the necessary signatures.

10. Roof Replacements for City Hall Tower Roof, Wichita Art Museum, (lower roof), Westlink Library, Osage Recreation Center and Rounds and Porter roof sections 2 and 3. (Districts I, IV, V and VI)

RECOMMENDED ACTION: Approve the project, adopt the resolution and authorize the necessary signatures.

11. Park Lighting at Various Locations.

RECOMMENDED ACTION: Approve the project, adopt the resolution and authorize the necessary signatures.

12. 2010 Bulletproof Vest Partnership Grant.

RECOMMENDED ACTION: Approve the application for the 2010 Bulletproof Vest Partnership grant.

13. *Helicopter Engine Overhaul.* (*PULLED PER POLICE DEPT*)

14. Second Reading Ordinances: (First Read May 11, 2010)  
a. List of second reading ordinances. (See Attached)

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

\*\*\*Workshop to follow\*\*\*

City of Wichita  
City Council Meeting  
May 18, 2010

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Issuance of Health Care Facilities Improvement Revenue Bonds (Larksfield Place) (District II)

**INITIATED BY:** Office of Urban Development

**AGENDA:** Unfinished Business

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**Recommendation:** Close the public hearing and place Ordinance on first reading and approve the sales tax exemption.

**Background:** On April 14, 2010, City Council approved a six-month letter of intent to issue Health Care Facility Revenue Bonds, in an amount not-to-exceed \$12.8. million, to Larksfield Place (“Larksfield”) for the purpose of construction of approximately 90,000 square feet buildings for expanded care facilities located at 2800 North Rock Road on 8 acres of greenfield space. Larksfield Place is requesting issuance of the bonds at this time.

Approval of first reading of the bond ordinance and approval of a sales tax exemption for the expansion project was deferred until May 18, 2010 to allow the City Council more time to consider the new request for sales tax exemption.

**Analysis:** Larksfield Place is a not-for-profit comprehensive retirement and nursing facility that has operated in Wichita for over 21 years. Larksfield provides retirement care services including independent living, home health care, dementia care and other ancillary services. The current project will complete Larksfield’s continuum of care and will offer assisted living and memory care services. Bond proceeds will finance the construction of a 14,000 square foot commons area with dining and recreation areas and physical therapy services. The expansion also includes an assisted living center with 32 apartments and a memory care center with 32 apartments. The memory care center will also provide dining and activity areas. The expansion will create approximately 76 new positions

As a not-for-profit 501 (c)(3) corporation, Larksfield Place is eligible to receive tax-exempt revenue bond financing. The bonds will be privately placed with UMB Bank, N.A. The City’s contract bond counsel firm, Kutak Rock LLP, is serving as bond counsel in the transaction.

The project estimates are as follows:

<u>Estimated Sources of Funds</u>	
Bond Proceeds	\$12,800,000
Larksfield Equity	<u>2,700,000</u>
Total Sources	\$15,500,000
<u>Estimated Uses of Funds</u>	
Project Fund	\$14,733,000
Capitalized Interest	285,000
Debt Service Reserve Fund	200,000
Cost of Issuance	189,000
Real Estate Expense	73,000
Miscellaneous	<u>20,000</u>
Total Uses	\$15,500,000

Larksfield Place currently has an approved EEO/AA Plan on file with the City.

**Financial Considerations:** Larksfield Place agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Larksfield Place is generally exempt from ad valorem taxes pursuant to Kansas law. Therefore, no tax exemption is requested in conjunction with issuance of Health Care Facilities Revenue Bonds. If a tax exemption is not requested, a cost-benefit analysis from the Center for Economic Development and Business Research at WSU is not required as there is no cost to the City.

Larksfield has advised staff that they do not have a statutory exemption for sales tax, therefore are requesting a sales tax exemption with the project at this time. The approximate value of the exemption is \$928,179. City Council may approve or deny the sales tax exemption provided through the IRB process. Larksfield would qualify for a sales tax exemption outside of the IRB program through the Kansas Department of Commerce's Enterprise Zone Incentive program. Larksfield is a qualifying non-manufacturing business creating more than two jobs.

**Goal Impact:** Economic Vitality and Affordable Living. The Economic Vitality of the community is being enhanced with the continuum of healthcare in Wichita.

**Legal Considerations:** Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve the final form of bond documents prior to the issuance of any bonds. The public hearing held in conjunction with this item is in compliance with the Tax Equity and Fiscal Responsibility Act ("TEFRA") hearing requirement in the federal tax code for tax-exempt bonds.

**Recommendations/Actions:** It is recommended that City Council place on first reading the ordinance authorizing the issuance of Health Care Facilities Revenue Bonds to Larksfield Place, in an amount not-to-exceed \$12,800,000, subject to the Letter of Intent Conditions, authorize staff to apply for the sales tax exemption and authorize the necessary signatures.

**Attachments:** Bond Ordinance

(Published in *The Wichita Eagle* on May \_\_, 2010)

**ORDINANCE NO. 48-736**

AN ORDINANCE AUTHORIZING THE CITY OF WICHITA, KANSAS, TO ISSUE ITS RETIREMENT COMMUNITY REVENUE BONDS, SERIES III, 2010 (LARKSFIELD PLACE RETIREMENT COMMUNITIES, INC. PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$12,800,000 FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING A RETIREMENT COMMUNITY; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

**WHEREAS**, the City of Wichita, Kansas (the “Issuer”), is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, construct, improve and equip certain facilities (as defined in the Act) for agricultural, commercial, hospital, industrial, natural resources, recreational development and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for such facilities, and to issue revenue bonds for the purpose of paying the costs of such facilities; and

**WHEREAS**, the Issuer has found and does find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Retirement Community Revenue Bonds, Series III, 2010 (Larksfield Place Retirement Communities, Inc. Project), in the aggregate principal amount of \$12,800,000 (the “2010 Bonds”), for the purpose of paying the costs of acquiring, constructing and equipping an approximately 90,000 square foot health care facility (the “Project”) as more fully described in the Indenture (hereinafter defined) and in the Lease (hereinafter defined) hereinafter authorized for lease by the Issuer to Larksfield Place Retirement Communities, Inc., a Kansas not-for-profit corporation (the “Tenant”); and

**WHEREAS**, the 2010 Bonds and the interest thereon shall not be a general obligation of the Issuer, shall not be payable in any manner by taxation and shall be payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project; and

**WHEREAS**, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the 2010 Bonds to execute and deliver (i) a Trust Indenture dated the date set forth therein (the “Indenture”), with UMB Bank, N.A., Wichita, Kansas, as trustee (the “Trustee”), prescribing the terms and conditions of issuing and securing the 2010 Bonds; (ii) a Lease Agreement dated the date set forth therein (the “Lease”), between the Tenant and the Issuer in consideration for payments of Basic Rent and Additional Rent provided for therein, (iii) a Bond Placement Agreement dated the date set forth therein providing for the sale of the 2010 Bonds by the Issuer to UMB Bank, N.A., and (iv) an Administrative Service Fee Agreement dated the date set forth therein, between the Issuer and the Tenant (collectively, the “Bond Documents”); and

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Authority to Cause the Project to be Acquired, Constructed and Equipped.**

The Governing Body of the Issuer hereby declares that the Project, if in being, would promote the welfare of the City of Wichita, Kansas, and the Issuer is hereby authorized to cause the Project to be acquired, constructed and equipped, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

**Section 2. Authorization of and Security for the 2010 Bonds.** The Issuer is hereby authorized and directed to issue the 2010 Bonds, to be designated “City of Wichita, Kansas, Retirement Community Revenue Bonds, Series III, 2010 (Larksfield Place Retirement Communities, Inc. Project)” in the aggregate principal amount of \$12,800,000. The 2010 Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such form, shall be subject to redemption and payment prior to the maturity thereof, and shall be issued in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The 2010 Bonds shall be special limited obligations of the Issuer payable solely from the trust estate established under the Indenture, including revenues from the Lease of the Project. The 2010 Bonds shall not be general obligations of the Issuer, nor constitute a pledge of the full faith and credit of the Issuer and shall not be payable in any manner by taxation.

**Section 3. Lease of the Project.** The Issuer shall cause the Project to be leased to the Tenant, all pursuant to and in accordance with the provisions of the Lease in the form approved herein.

**Section 4. Execution of 2010 Bonds and Bond Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the 2010 Bonds and deliver them to the Trustee for authentication on behalf of, and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor is further authorized and directed to execute and deliver the Bond Documents on behalf of, and as the act and deed of the Issuer in substantially the forms presented for review prior to final passage of this Ordinance, with such minor corrections or amendments thereto as the Mayor may approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or any Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the 2010 Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer’s official seal.

**Section 5. Pledge of the Project and Net Revenues.** The Issuer hereby pledges its interest in the Project and the net revenues generated under the Lease to the payment of the 2010 Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the 2010 Bonds shall be deemed to have been paid within the meaning of the Indenture.

**Section 6. Further Authority.** The officers, agents and employees of the Issuer are hereby authorized and directed to take such action and execute such other documents, certificates and

instruments as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the 2010 Bonds and the Bond Documents as necessary to give effect to the transactions contemplated in this Ordinance and in the Bond Documents.

**Section 7. Effective Date.** This Ordinance shall take effect from and after its final passage by the Governing Body of the Issuer, signature by the Mayor and publication once in the official newspaper of the Issuer.

**PASSED** by the Governing Body of the City of Wichita, Kansas, and approved by the Mayor on May 25, 2010.

CITY OF WICHITA, KANSAS

(Seal)

By \_\_\_\_\_  
Carl Brewer, Mayor

Attest:

By \_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

By \_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

City of Wichita  
City Council Meeting  
May 18, 2010

**TO:** Mayor and City Council Members

**SUBJECT:** Appeal of License Revocation - Pure Entertainment, 8545 West Irving  
(District V)

**INITIATED BY:** Wichita Police Department

**AGENDA:** New Business

---

**Recommendation:** Conduct a hearing on the appeal regarding the revocation of the Portable Amusement Ride license #19683 for Pure Entertainment, 8545 West Irving.

**Background:** On March 24, 2010, Wichita Police Detectives were sent to 8545 West Irving to investigate the death of a five year old child. Preliminary information indicated the child suffered a fall while jumping on one of the inflatable rides at this location. While conducting the death investigation police detectives discovered that the proprietors of the location had violated sections under 3.20.060 of City Code. Under City Code 3.20.090(a), the City notified Duane (licensee) and Jesse (operator) Zogelman of the violations and revoked the Amusement Ride license for that location on April 1, 2010. The business owners have appealed this revocation and have been open for business since the appeal was filed.

**Analysis:** Any business such as Pure Entertainment which has inflatable toys and rides must license said entity under Chapter 3.20 of City Code which covers Amusement Parks and Rides. Section 3.20.060 states:

The licensee shall, as part of the license application or renewal, provide the City Treasurer or his or her designee with a certificate of inspection for the operation of any amusement park or portable amusement ride.

Each certificate shall:

- a. State the date of inspection and the items inspected, including, but not limited to, any and all rides, attractions, structures, related utilities, and support equipment and supplies;
- b. Specifically state any and all known defects or dangerous conditions, including defects or conditions which could be reasonably discovered pursuant to an inspection, concerning any and all rides, attractions, structures, related utilities, and support equipment and supplies.

Such inspections shall be performed by Level 1 certified NAARSO, Level 1 certified AIMS or an amusement ride inspector certified by the State of Kansas or any other state, within three months of the date of submission of an application for a new amusement park license. Thereafter, for the renewal of licenses, a valid inspection shall be an inspection performed by the Level 1 certified NAARSO, Level 1 certified AIMS or an amusement ride inspector certified by the State of Kansas or any other state during the first quarter of the calendar year during which the license will be renewed. Further, the existence of a defective or otherwise dangerous condition may be sufficient reason to deny the license requested.

The license at Pure Entertainment, 8545 West Irving was revoked because:

- The rides used on March 24, 2010 were not inspected by a properly licensed inspector.
- Management of Pure Entertainment provided false information to the City Treasurer during the application process by providing certificates of inspection for the rides which were in use

on March 24, 2010. Pure Entertainment purported to show that the rides were properly inspected by a certified amusement ride inspector when, in fact, they had not been.

**Financial Consideration:** None

**Legal Consideration:** If the City Council upholds the decision of this revocation, the licensee has the further option of appealing to the district court, pursuant to state statute “in the manner now provided by K.S.A. 41-2708 and any amendments thereto.” Per ordinance, such an appeal to the district courts would not stay the order of reclassification.

**Goal Impact:** Provide a safe and secure environment by enforcing City Ordinances regarding Amusement Parks and Rides.

**Recommendation/Action:** It is recommended that the City Council conduct a hearing of the licensee’s appeal and issue an order either upholding or overturning the same.

**Attachments:** Revocation notice from Wichita Police Department and Letter of appeal  
AIMS certification for Jesse Zogleman  
License application, certificate of liability insurance, and certificates of inspection



April 1, 2010

Duane L. Zogelman  
1721 Amarado Court  
Wichita, Kansas 67212

Jesse Zogelman  
8545 W. Irving Street  
Wichita, Kansas 67209

RE: Revocation of Portable Amusement Ride  
License #19683, City of Wichita

Dear Sirs:

This letter is to notify Duane Zogelman that your Portable Amusement Ride License #19683, issued through the City of Wichita has been ordered revoked pursuant to Section 3.20.090(a) of the City Code, which requires five (5) days written notice of said revocation.

Specifically, you are in violation of that code section for the following reasons:

- Violation of Section 3.20.060 of the City Code by failing to properly inspect portable amusement rides currently in use at a business known as Pure Entertainment, located at 8545 W. Irving, Wichita, Kansas.
- Becoming ineligible for a license for portable amusement rides currently in use at a business known as Pure Entertainment, located at 8545 W. Irving, Wichita, Kansas, as said rides are not inspected as required by Section 3.20.060 of the City Code.
- Giving a false statement as to a material fact submitted to the city treasurer during the application process by providing certificates of inspection for the rides currently in use at a business known as Pure Entertainment, located at 8545 W. Irving, Wichita, Kansas which purported to show that the rides were properly inspected when such rides had not been inspected by a certified amusement ride inspector as required in Section 3.20.060 of the City Code.

**Office of the Chief of Police**

City Hall • 4th Floor • 455 North Main • Wichita, Kansas 67202

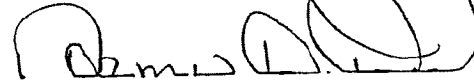
T 316.268.4158 • F 316.268.4566

[www.wichita.gov](http://www.wichita.gov)

This letter is further intended to provide notification to Jesse Zogelman as the operator of Pure Entertainment, a business located at 8545 W. Irving, Wichita, Kansas which uses portable amusement rides licensed by City of Wichita License #19683 to Duane Zogelman, dba Moonwalks For Fun, Inc., that the continued utilization of said portable amusement rides is in violation of Sections 3.20.020 and 3.20.080 of the City Code. These violations are misdemeanors punishable by prosecution in the municipal court of the City of Wichita and can result in a fine not to exceed \$500 and/or by imprisonment for not more than ninety (90) days. In addition, the City of Wichita may seek additional court ordered remedies against your continued utilization of the portable amusement rides including, but not limited to injunctive relief in the District Court of Sedgwick County, Kansas.

As a licensee, Duane Zogelman has the right to appeal this order of revocation in writing to the City Council within seven (7) days from the date of this letter. Complete appeal rights of a licensee under Chapter 3.20 of the City Code are set forth in Section 3.20.060 thereof.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman D. Williams', with a large, stylized circular flourish to the right.

Norman D. Williams  
Chief of Police

NDW/EH

MARK T. SCHOENHOFER  
Attorney at Law

CITY CLERK OFFICE

APR 02 10

RECEIVED

ADDRESS:  
2330 E. Douglas Ave.  
Wichita, Kansas 67214  
N/W Corner of Douglas & Grove

msdefensefirst@yahoo.com  
mschoenhofer@wichita-law.com  
Tel: (316) 262-5400  
Fax: (316) 262-1787

April 2, 2010

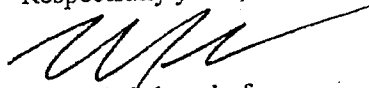
Karen Sublett, City Clerk for the City of Wichita  
and City Council  
City Building, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

RE: Notice of Appeal, pursuant to City Code Section 3.20.090  
Revocation of Portable Amusement Ride License #19683, City of Wichita.

Dear Ms. Sublett:

Duane Zogelman, Jesse Zogelman, and Moonwalks For Fun, Inc. give notice of their intent to appeal the revocation of their portable amusement ride license with the city of Wichita. On April 1, 2010, Chief Norman Williams served notice of the revocation on the Zogelmans. Notice of appeal is therefore timely filed and served with your office this afternoon (within 7 days). Please advise me of the date, time and location of the appellate hearing. Please also advise whether evidence and testimony may be presented by the appellant. If there are written appellate rules and procedures, please instruct me where I may obtain a copy. Thank you for your attention to this matter.

Respectfully yours,



Mark T. Schoenhofer

MTS  
Hand-delivered.

Moonwalks for Fun - 702-32232

**AMUSEMENT INDUSTRY MANUFACTURERS and SUPPLIERS  
INTERNATIONAL**

By the authority of the Board of Directors, and upon the recommendation  
of the Certification Committee

AIMS International hereby recognizes that

***Jesse Zogelman***

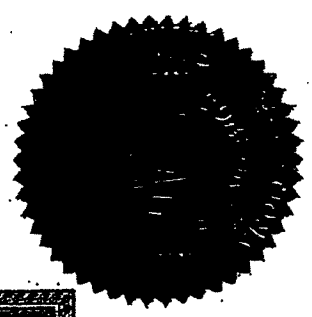
Has met all the requirements and is hereby declared a

***Certified Inflatable Attraction Technician Level I***

with all the rights, privileges, honor, and responsibilities  
there unto appertaining

Awarded on March 31, 2006

***John F. Williams***  
Executive Director - AIMS International



May 2nd - License received for  
Moonwalks for Fun



**CITY OF  
WICHITA**

[www.wichita.gov](http://www.wichita.gov)

Treasurer's Office 455 N. Main - 12<sup>th</sup> Floor Wichita KS 67202  
CITY LICENSE  
(316) 268-4553

RECEIVED  
LICENSE  
MAR 06 2009

**AMUSEMENT PARK  
PORTABLE AMUSEMENT RIDES  
CARNIVAL, CIRCUS, RODEO  
WILD ANIMAL SHOW  
LICENSE APPLICATION**

*Complete in duplicate  
Allow 30 days for approval  
Please use a separate form for each  
type of License Application.  
License Expires April 30*

Date March 5, 2009

         Amusement Park - Fee \$600.00 due May 1.  
☒ Portable Amusement Rides fee due May 1  
- Fee \$600.00 per year, for 20 or more Portable Amusement Rides. Number of rides 50 +  
- Fee \$ 30.00 each, for less than 20 Portable Amusement Rides. Number of rides           
         Carnival, Circus, Rodeo, Wild Animal Show - Fee \$100.00 per day Number of Days         

Beginning Date                                  Ending Date                                 

Event Location:   

**APPLICANT INFORMATION:**

Name	Duane L. Zogleman	Date of birth	01-12-49
Home address	1721 Amarago Court	Phone number	316 993 5928
City, state	Wichita, Kansas	Zip code	67212

**BUSINESS INFORMATION (if applicable):**

Business Name	Moonwalks For Fun, Inc.	Phone Number	316 722-3232
Address	P.O. Box 9244		
City, State	Wichita, Kansas	Zip Code	67277-9244

I, Duane L. Zogleman, as above named applicant, do solemnly swear that I have read the contents of this application and that all information and answers herein contained are complete and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Wichita. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Wichita and I consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

*Duane L. Zogleman* March 05, 2009  
Signature of Applicant Duane L. Zogleman Date

**FOR OFFICIAL USE ONLY**

License Type	Approving City Office	Approved	Disapproved	Date
Amusement Park	Law (insurance and bond)			
	Central Inspection Zoning			
	Health Department			
	Police Traffic			
Portable Amusement Rides	Central Inspection Zoning			
	Health Department			
	Police Department			
Carnival, Circus, Rodeo, And Wild Animal Show	Central Inspection			
	Fire Department			
	Health Department			
	City Manager			
License #	<u>19683</u>	Total Fee		
Date	<u>03-06-09</u>	Expiration Date	<u>04-30-10</u>	



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/26/2009

<b>PRODUCER</b> EPA Management & Insurance Solutions, Inc. 25930 Acero, Suite 370 Mission Viejo, CA 92681 Phone: (866) 380-3372 Fax: (866) 230-3044	<b>THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>												
<b>INSURED</b> Moonwalks For Fun/ Duane Zogleman P.O. Box 9244 Wichita, KS 67277	<table border="1"><tr><td><b>INSURERS AFFORDING COVERAGE</b></td><td><b>NAIC #</b></td></tr><tr><td>INSURER A: James River Insurance Company</td><td>12203</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr></table>	<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>	INSURER A: James River Insurance Company	12203	INSURER B:		INSURER C:		INSURER D:		INSURER E:	
<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>												
INSURER A: James River Insurance Company	12203												
INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR/ADDL LTR/INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS			
A	GENERAL LIABILITY	00032892-0	07/17/2008	07/17/2009	EACH OCCURRENCE \$ 1,000,000.00			
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000.00			
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ Excluded			
					PERSONAL & ADV INJURY \$ 1,000,000.00			
					GENERAL AGGREGATE \$ 2,000,000.00			
					PRODUCTS - COMP/OP AGG \$ 2,000,000.00			
					Per-Person Sub-limit \$ 100,000.00			
	GEN'L AGGREGATE LIMIT APPLIES PER:							
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							
					AUTOMOBILE LIABILITY			
	ANY AUTO				BODILY INJURY (Per person) \$			
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$			
	SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$			
	HIRED AUTOS							
	NON-OWNED AUTOS							
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$			
	ANY AUTO				OTHER THAN EA ACC \$			
					AUTO ONLY: AGG \$			
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$			
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$			
					\$			
	DEDUCTIBLE				\$			
	RETENTION \$				\$			
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER			
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$			
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$			
	OTHER				E.L. DISEASE - POLICY LIMIT \$			

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Operation for Amusement Devices.  
Certificate is Proof of Insurance

## CERTIFICATE HOLDER

City of Wichita  
455 North Main Street  
Wichita, KS 67202

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

## CERTIFICATE OF INSPECTION

UNIT NAME *Extreme Obstacle* SERIAL # *94686801* MODEL # *EKf0668*

DATE OF MANUFACTURE: *11/04/07*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY:



DATE: *1-9-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

*Good shape!*

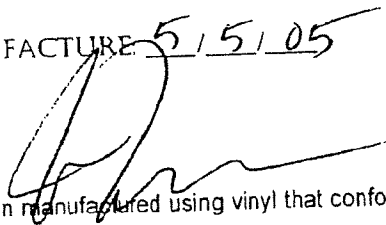
## CERTIFICATE OF INSPECTION

UNIT NAME *Crossover Obstacle* SERIAL # *944040400* MODEL # *CCOV37*

DATE OF MANUFACTURE: *5/5/05*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY:



DATE: *1-9-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

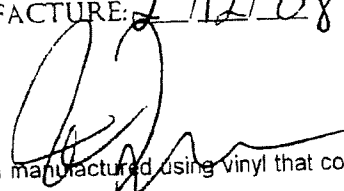
*Down @ slide repaired, operational & safe*

## CERTIFICATE OF INSPECTION

UNIT NAME *Drifting A.A.* SERIAL # *323200C* MODEL # *DC-40*

DATE OF MANUFACTURE: *2/12/08*

DATE OF INSPECTION: *1-9-2009*

INSPECTED BY: 

DATE: *1-9-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

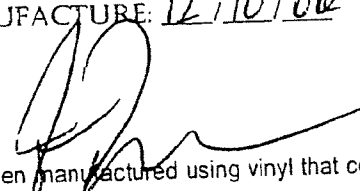
*New Attraction.*

## CERTIFICATE OF INSPECTION

UNIT NAME *Challenge Obstacle* SERIAL # *00CC05* MODEL # *0006001*

DATE OF MANUFACTURE: *12/10/06*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY: 

DATE: *1-9-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME *Multi Obstacle* SERIAL # *04049930* MODEL # *MOC001*

DATE OF MANUFACTURE: *5/2/05*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY: *[Signature]*

DATE: *1-9-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

*Unit HAS BEEN Repaired on side of Bottom  
Corner. Meets standards (good)*

## CERTIFICATE OF INSPECTION

UNIT NAME *UP & OVER Obstacle* SERIAL # *9460604* MODEL # *UOOC604*

DATE OF MANUFACTURE: *12/12/04*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY: *[Signature]*

DATE: *1-9-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

*been repaired on both parts  
meets Industry standards & is  
safe & operational*

# CERTIFICATE OF INSPECTION

UNIT NAME *Worm*

SERIAL # *0494004*

MODEL # *WCC001*

DATE OF MANUFACTURE: *4/19/08*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY: *[Signature]*

DATE: *1-9-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---

# CERTIFICATE OF INSPECTION

UNIT NAME *32' Obstacle* SERIAL # *32329449* MODEL # *3200032*

DATE OF MANUFACTURE: *N/A*

DATE OF INSPECTION: *1-9-09*

INSPECTED BY: *[Signature]*

DATE: *1-9-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

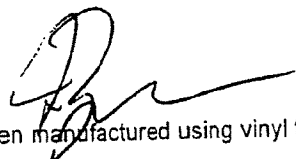
This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Roller Balls SERIAL # 0049949 MODEL # RC003

DATE OF MANUFACTURE: N/A

DATE OF INSPECTION: 1-10-09

INSPECTED BY: 

DATE: 1-10-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---

## CERTIFICATE OF INSPECTION

UNIT NAME Sumo Wrestling SERIAL # 0045um MODEL # SM044

DATE OF MANUFACTURE: N/A

DATE OF INSPECTION: 1-10-09

INSPECTED BY: 

DATE: 1-10-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Bunge Run SERIAL # 0043694 MODEL # B&D 202

DATE OF MANUFACTURE: 2/12/06 DATE OF INSPECTION: 1-10-2009

INSPECTED BY: [Signature] DATE: 1-10-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---

## CERTIFICATE OF INSPECTION

UNIT NAME Pedestal Joust SERIAL # 00494 MODEL # 4PPJ6U

DATE OF MANUFACTURE: 2/19/06 DATE OF INSPECTION: 1-10-09

INSPECTED BY: [Signature] DATE: 1-10-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

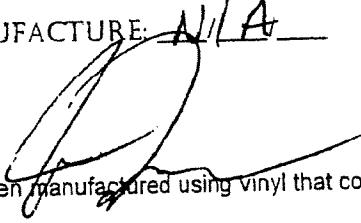
This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

# CERTIFICATE OF INSPECTION

UNIT NAME *Jurassic Obstacle* SERIAL # *0043535* MODEL # *JP0C001*

DATE OF MANUFACTURE: *N/A*

DATE OF INSPECTION: *1-10-09*

INSPECTED BY: 

DATE: *1-10-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---

# CERTIFICATE OF INSPECTION

UNIT NAME *Adrenaline Maze* SERIAL # *440404346* MODEL # *Adm0C3P*

DATE OF MANUFACTURE: *2/20/05*

DATE OF INSPECTION: *1-10-09*

INSPECTED BY: 

DATE: *1-10-09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Wrecking Ball SERIAL # 00494004 MODEL # WLB004

DATE OF MANUFACTURE: 12/12/07

DATE OF INSPECTION: 1-11-2009

INSPECTED BY: [Signature]

DATE: 1-11-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a  
flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices  
(ASTM F-24) (ASTM International)

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## CERTIFICATE OF INSPECTION

UNIT NAME King of Hill SERIAL # 0994004 MODEL # KOH001

DATE OF MANUFACTURE: 12/12/07

DATE OF INSPECTION: 1-11-2009

INSPECTED BY: [Signature]

DATE: 1-11-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a  
flame resistance

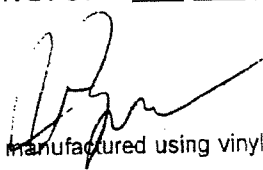
This ride is manufactured in conformance with the ASTM Standards on Amusement Devices  
(ASTM F-24) (ASTM International)

# CERTIFICATE OF INSPECTION

UNIT NAME Viper Wall SERIAL # 2294401 MODEL # VCW001

DATE OF MANUFACTURE: N/A

DATE OF INSPECTION: 1-11-2009

INSPECTED BY: 

DATE: 1-11-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

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# CERTIFICATE OF INSPECTION

UNIT NAME Twin Star SERIAL # 00130300 MODEL # TWI 001

DATE OF MANUFACTURE: 8/19/07

DATE OF INSPECTION: 1-11-2009

INSPECTED BY: 

DATE: 1-11-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance


This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME *Rock n' Roll* SERIAL # *4440411* MODEL # *RENK04*

DATE OF MANUFACTURE *2/10/08* DATE OF INSPECTION: *1-11-2009*

INSPECTED BY:



DATE: *1-11-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

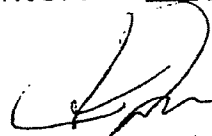
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## CERTIFICATE OF INSPECTION

UNIT NAME *Sport's Challenge* SERIAL # *2224401* MODEL # *2SPCTC*

DATE OF MANUFACTURE: *7/14/07* DATE OF INSPECTION: *1-11-2009*

INSPECTED BY:



DATE: *1-11-2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Water Slide SERIAL # 04329WS MODEL # WS0001

DATE OF MANUFACTURE: 11/13/07

DATE OF INSPECTION: 1-12-09

INSPECTED BY: 

DATE: 1-12-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

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## CERTIFICATE OF INSPECTION

UNIT NAME Slip n' Slide SERIAL # 499404 MODEL # SN5001

DATE OF MANUFACTURE: N/A

DATE OF INSPECTION: 1-12-09

INSPECTED BY: 

DATE: 1-12-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance


This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Mechanical Bull SERIAL # N/A MODEL # MB00496

DATE OF MANUFACTURE: 3/13/07

DATE OF INSPECTION: 1-12-09

INSPECTED BY: 

DATE: 1-12-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---

## CERTIFICATE OF INSPECTION

UNIT NAME Big Slide SERIAL # 0049661 MODEL # 22F1SL

DATE OF MANUFACTURE: 11/17/07

DATE OF INSPECTION: 1-12-2009

INSPECTED BY: 

DATE: 1-12-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

# CERTIFICATE OF INSPECTION

UNIT NAME Ladder Climbs SERIAL # 094940039 MODEL # LC4949

DATE OF MANUFACTURE: 2/2/07

DATE OF INSPECTION:

1-12-09

INSPECTED BY:



DATE:

1-12-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

---


# CERTIFICATE OF INSPECTION

UNIT NAME Human Football SERIAL # 0094601 MODEL # HFO049

DATE OF MANUFACTURE: N/A

DATE OF INSPECTION: 1-12-09

INSPECTED BY:



DATE: 1-12-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Tunnel Slide<sup>I</sup> SERIAL # T50040414 MODEL # T501

DATE OF MANUFACTURE 5/2/05

DATE OF INSPECTION: 1-19-09

INSPECTED BY: 

DATE: 1-19-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

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## CERTIFICATE OF INSPECTION

UNIT NAME Tunnel Slide<sup>II</sup> SERIAL # T50040415 MODEL # TSC1102

DATE OF MANUFACTURE: 5/2/05

DATE OF INSPECTION: 1-19-2009

INSPECTED BY: 

DATE: 1-19-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Jungle Combu SERIAL # JCS001 MODEL # JCS001

DATE OF MANUFACTURE: N/A DATE OF INSPECTION: 1/19/09

INSPECTED BY: 

DATE: 1-19-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

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## CERTIFICATE OF INSPECTION

UNIT NAME 5-1 castle SERIAL # 510051 MODEL # 510051

DATE OF MANUFACTURE: 3/13/08 DATE OF INSPECTION: 1-19-2009

INSPECTED BY: 

DATE: 1/19/09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME 3-1 castle SERIAL # 3314C4 MODEL # 3-1CCS

DATE OF MANUFACTURE: 3/13/08 DATE OF INSPECTION: 1-19-2009

INSPECTED BY: [Signature] DATE: 1-19-09

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME Castle Bomb SERIAL # CC001 MODEL # D101C

DATE OF MANUFACTURE: N/A DATE OF INSPECTION: 1-19-2009

INSPECTED BY: [Signature] DATE: 1-19-2009

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

Been repaired on Floor, Repair looks good & meets requirements

## CERTIFICATE OF INSPECTION

UNIT NAME *Mini Race Car* SERIAL # *3331CR* MODEL # *MRC4*

DATE OF MANUFACTURE: *5/12/08* DATE OF INSPECTION: *2/2/09*

INSPECTED BY: *[Signature]*

DATE: *2/2/09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME *Theme* SERIAL # *4994-79943* MODEL # *THEM14*

DATE OF MANUFACTURE: *MOONWALKS*  
*N/A*

DATE OF INSPECTION:  
*1-24-2009 / 1-25-2009*

INSPECTED BY: *[Signature]*

DATE: *2/09/2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

<i>Dolphin</i>	<i>Power girls</i>	<i>Super Hero</i>	<i>Sponge Boy</i>
<i>Barney</i>	<i>Strawberry girl</i>	<i>Train</i>	<i>Jungle</i>
<i>Brown Dog</i>	<i>Burlesque</i>	<i>Red MO</i>	
<i>Green Monster</i>	<i>Blue Dog</i>	<i>Sport Theme</i>	

## CERTIFICATE OF INSPECTION

UNIT NAME *Candy Slide* SERIAL # *4040390041* MODEL # *296*

DATE OF MANUFACTURE: *6/2/05*

DATE OF INSPECTION: *Feb. 2.09*

INSPECTED BY:



DATE: *Feb. 2.2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

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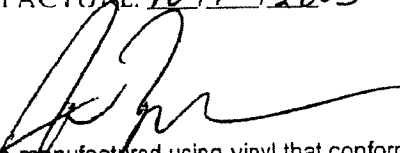
## CERTIFICATE OF INSPECTION

UNIT NAME *Enchanted Castle* SERIAL # *00394EC* MODEL # *ECC1*

DATE OF MANUFACTURE: *10/10/2003*

DATE OF INSPECTION: *Feb. 2.09*

INSPECTED BY:



DATE: *Feb. 2.2009*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME *Mini Adventure* SERIAL # *001455MA* MODEL # *MA14*

DATE OF MANUFACTURE: *5/10/08*

DATE OF INSPECTION: *Jan 8, 09*

INSPECTED BY:



DATE: *2/3/09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

*New Attraction!*

## CERTIFICATE OF INSPECTION

UNIT NAME *Mini Prayon* SERIAL # *001456MC* MODEL # *MC15*

DATE OF MANUFACTURE: *5/10/08*

DATE OF INSPECTION: ~~*Jan 8, 09*~~  
*Jan 8, 2009*

INSPECTED BY:



DATE: *2/3/09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

## CERTIFICATE OF INSPECTION

UNIT NAME *Slide Combo IV* SERIAL # *40400001072* MODEL # *SLDC4*

DATE OF MANUFACTURE: *6/2/05*

DATE OF INSPECTION: *Jan 8, 09*

INSPECTED BY: *[Signature]*

DATE: *2/3/09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

*Unit has been repaired & patched in places  
Good & Ready*

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## CERTIFICATE OF INSPECTION

UNIT NAME *Traditional  
Moodswark* SERIAL # *TMOU1* MODEL # *COABD3*

DATE OF MANUFACTURE: *8/16/07*

DATE OF INSPECTION: *Jan 8, 07*

INSPECTED BY: *[Signature]*

DATE: *2/3/09*

This product has been manufactured using vinyl that conforms to the following standards: test 2a flame resistance

This ride is manufactured in conformance with the ASTM Standards on Amusement Devices (ASTM F-24) (ASTM International)

**City of Wichita  
City Council Meeting  
May 18, 2010**

**TO:** Mayor and City Council

**SUBJECT:** Authorize and Approve an Interlocal Agreement by and between City of Wichita, Sedgwick County and United School District # 259 concerning the Neighborhood Revitalization Area Program

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Authorize and approve the amended Interlocal Agreement and place Ordinance on first reading of the City Council.

**Background:** Kansas State law allows cities to adopt neighborhood revitalization area (“NRA”) plans which identify target areas within which property tax rebates may be granted by taxing authorities for property improvements. The Wichita City Council adopted an NRA Plan on April 7, 1998 and subsequently entered into an interlocal agreement with Sedgwick County and Unified School District #259 to also permit the rebate of incremental county and school district property taxes under the City’s NRA Tax Rebate Program.

The NRA Plan was revised by the City Council on July 1, 2004 and again on April 17, 2007 in order to make changes to the NRA boundaries and to make procedural adjustments to the program. Each time the NRA Plan was revised, a new interlocal agreement was approved, except that in 2008 Unified School District #259 requested a technical change to the interlocal agreement that could not be worked out at that time. Agreement was reached in November, 2009, the document went to City Council December 15, 2009, but the Unified School District had additional concerns and negotiations between the parties resumed until a new Interlocal Agreement was developed in May of 2010.

**Analysis:** The NRA Tax Rebate Program allows owners of property located within the NRA boundaries to receive a rebate based on the amount of increased property taxes that result from improvements made to the property. To qualify, the property owner must submit a copy of a building permit with a permit value of at least \$10,000, along with a two-page application, within six months of the issuance of the building permit. The applications are processed by the Office of Urban Development and forwarded to the Sedgwick County Appraisers Office, where the amount of the tax rebate is calculated. Each year, the Sedgwick County Treasurer and Unified School District #259 remit aggregate rebate payments to the City for all rebate recipients that have paid their taxes that year, based on the County Appraiser’s calculations. The funds are credited into a special NRA Rebate Fund, into which the City’s share of aggregate rebate payment is transferred. The Urban Development Office then processes individual tax rebate payments and mails them to property owners.

The NRA Plan allows rebates to be paid on taxes resulting from property improvements for a five year term, following the first payment of increased taxes following completion of the improvements. The percentage of incremental taxes that can be rebated is based on types of property, as follows:

Single Family Residential	95%
Multi-Family Residential	75%
Commercial and Industrial	75%
Historic Properties*	95%

\*Listed on national, state or local register of historic places or located within a designated historic district.

The attached Interlocal Agreement between the City, Sedgwick County and Unified School District #259 generally sets forth the agreement of each of the parties to adopt the NRA Plan that was adopted by the City Council on April 17, 2007

**Financial Considerations:** There are no financial impacts of approving the amended interlocal agreement, other than continuation of the tax rebate program. The funding of the City's share of NRA rebate payments is split between the General Fund (75%) and the Debt Service Fund (25%).

**Goal Impact:** Economic Vitality and Affordable Living; Core Area and Neighborhood. Tax rebates encourage property owners in older areas of the City to invest in improvements to their property by temporarily eliminating the disincentive of increased taxes.

**Legal Considerations:** The interlocal agreement has been approved as to form by the Department of Law.

**Recommendations/Actions:** It is recommended that the City Council authorize and approve the amended Interlocal Agreement and place Ordinance on first reading of the City Council.

**Attachments:** Amended NRA Interlocal Agreement and Proposed Ordinance

CITY OF WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS,  
UNIFIED SCHOOL DISTRICT #259 SEDGWICK  
COUNTY, STATE OF KANSAS

**INTERLOCAL AGREEMENT**

THIS INTERLOCAL AGREEMENT (hereinafter referred to as “Agreement”) entered in this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Wichita, Kansas, a duly organized municipal corporation hereinafter referred to as “City”, Sedgwick County, Kansas, hereinafter referred to as “County” and Unified School District #259, Sedgwick County, State of Kansas; hereinafter referred to as “School Board” is to memorialize that;

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, all parties are pursuant to K.S.A. 12-2903 public agencies, capable of entering into interlocal agreements; and

WHEREAS, K.S.A. 12-17,114 et. Seq. provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in K.S.A. 12-17,119 by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to consider and adopt a neighborhood revitalization plan, dated July 1, 2007, which was adopted by the Wichita City Council on April 17, 2007. The City and County further agree that provisions of the aforementioned neighborhood revitalization plan

shall be applicable to all outstanding rebate recipients. The School Board will participate in rebates granted after May 1, 2010 and will not participate in rebates granted between July 1, 2007 and April 30, 2010, except for rebates granted between July 1, 2007 and April 30 2010 that have previously been paid by the School Board.

2. The parties acknowledge that the following provision in the 2007 plan provides for the permanent dismissal from the rebate program of any participant who becomes delinquent in the payment of it's ad valorem taxes.

“Any property that is delinquent in any tax payment or special assessment shall be permanently remove(d) from the tax rebate program and shall not be eligible for any past or future rebate.”

Prior neighborhood revitalization plans did not require dismissal of delinquent taxpayers but did allow payment of a rebate upon the payment of the delinquent tax. Some applicants under those earlier plans have been delinquent or may currently be delinquent. For these program participants only, the above provision shall not apply. Due to State of Kansas restrictions governing the reimbursement of school district rebates paid under this agreement, the School Board shall not be liable for any retroactive tax rebates.

3 The parties further agree that the City shall administer the Neighborhood Revitalization Plan as adopted by each party on behalf of the signatory parties. Certain Sedgwick County agencies will participate in the issuance of tax rebates in accordance with the Neighborhood Revitalization Plan. The parties acknowledge and agree that five (5%) percent of increment, as defined by K.S.A. 12-17,118, shall be used to pay for administrative costs of implementing and administering the plan, all as described in the Neighborhood Revitalization Plan. The entire administrative fee shall be paid to the County.

4. This agreement shall be in effect starting July 1, 2008 and shall expire June 30, 2013. The parties agree to undertake annual review of the neighborhood Revitalization Plan commencing on or before August 15 of each year to determine any needed modifications to the neighborhood revitalization plan and participation in a new interlocal agreement. In the event any party seeks to amend the plan shall not do so without 90 day prior written notice to all other parties to this agreement as follows:

City Clerk	County Clerk	The Clerk of the Board
City of Wichita	Sedgwick County Courthouse	USD #259
455 N. Main, 13 <sup>th</sup> Floor	525 N. Main, 2 <sup>nd</sup> Floor	201 N. Water
Wichita, Kansas 67202	Wichita, Kansas 67203	Wichita, Kansas 67202

The parties agree that termination of this agreement by any party prior to June 30, 2013 would adversely impact the plan. Notwithstanding said impact, the parties further agree that any party may terminate this Agreement on any June 30<sup>th</sup> prior to June 30, 2013, by providing twelve (12) months notice in writing to the other parties to the Agreement. Provided, however, that any applications for tax rebate submitted prior to the effective date of the termination shall, if approved, be considered eligible for the duration of the rebate period. In addition, the School Board may withdraw from being a party to this Agreement effective on any September 1 during the term of this Agreement or any extension thereof by providing written notice of such withdrawal to the City and County on or before August 25 of any year during the term of this Agreement or any extension thereof. Notwithstanding anything else to the contrary herein effective upon such withdrawal the School Board shall not be obligated to participate in providing rebates that were previously granted or that might be granted after the School Board's withdrawal. It shall be the responsibility of the City to timely notify and convene the parties to undertake any annual review of the Neighborhood Revitalization Plan and/or this agreement.

5. The parties agree that the increment value, used to determine the tax rebates, will be calculated as the **lesser** of:

a. The increase in value, in the year of 100% completion of the property improvements, over the base year. This is the first year in which the property qualifies for a tax rebate, or

b. The increase in value, in any subsequent year in which the rebate is being applied, over the base year.

- Total Property Value (Year 1) - Base year value = Increased Value (Year 1 Increment Value)
- Total Property Value (Year x) - Base year value = Increased Value (Year x)

The table below illustrates the calculation of the increment value for a hypothetical parcel eligible for rebates for five years:

	Year 1	Year 2	Year 3	Year 4	Year 5
Base Value	150,000	150,000	150,000	150,000	150,000
Valuation after Improvement	225,000	236,000	218,000	222,000	227,000
Valuation Increase over Base Value	75,000	86,000	68,000	72,000	77,000
Increment Value for Rebate Calculation	75,000	75,000	68,000	72,000	75,000

For the purposes of this paragraph “base year” shall be generally defined as the year in which the building permit is issued.

6. This agreement shall be executed in several counterparts, all of which together shall constitute one original agreement.

IT WITNESS WHEREOF, the parties have hereunto executed this contract as of the day  
and year first above written.

CITY OF WICHITA

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Gary E. Rebenstorf, City Attorney

THE BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

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KELLY B. ARNOLD  
COUNTY CLERK

---

KARL PETERJOHN, Chairman  
Commissioner, Third District

APPROVED AS TO FORM:

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PATRICIA J. PARKER  
Assistant County Counselor

APPROVED by UNIFIED SCHOOL DISTRICT NO. 259, SEDGWICK COUNTY,  
STATE OF KANSAS, this \_\_\_\_ day of \_\_\_\_\_, 2010.

UNIFIED SCHOOL DISTRICT #259  
SEDGWICK COUNTY, STATE OF KANSAS

By \_\_\_\_\_  
Barbara Fuller, President

ATTEST:

\_\_\_\_\_  
Mike Willome, Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Tom Powell, Attorney  
Unified School District #259

The above and foregoing Interlocal Agreement is approved by the Kansas Attorney General as provided by K.S.A. 12-2904(f) this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Steve Six, Kansas Attorney General



(Published in the Wichita Eagle on May 28, 2010)

ORDINANCE NO. 48-744

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS TO AMEND THE EXISTING NEIGHBORHOOD REVITALIZATION PLAN, AND TO AUTHORIZE AND APPROVE A CERTAIN INTERLOCAL AGREEMENT BY AND AMONG THE CITY OF WICHITA, KANSAS, THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS AND UNIFIED SCHOOL DISTRICT NO. 259, SEDGWICK COUNTY, KANSAS, PERTAINING TO ADMINISTRATION OF THE NEIGHBORHOOD REVITALIZATION PLAN AND THE ISSUANCE OF TAX REBATES THEREUNDER.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Review and amendment of existing Neighborhood Revitalization Plan.

Pursuant to the provisions on page 49 of the existing Neighborhood Revitalization Plan, providing for the City Council to annually review the Neighborhood Revitalization Program and make such adjustments or amendments as it deems necessary, the dates of operation of the existing programs are hereby extended to June 30, 2013.

Section 2. Authorization and Approval of Interlocal Agreement. The City Council of the City of Wichita, Kansas, hereby approves the execution and delivery, on behalf of the City, of that certain Interlocal Agreement by and among the City, the Board of County Commissioners of Sedgwick County, Kansas, and Unified School District No. 259, Sedgwick County, Kansas, pertaining to the administration of the Neighborhood Revitalization Plan and the issuance of tax rebates thereunder. Following the execution of the Interlocal Agreement on behalf of all the parties thereto, City staff are further authorized to take such further action as may be necessary for the implementation and effectiveness of the Interlocal Agreement, including submission of same to the Office of the Attorney General of Kansas for approval, pursuant to K.S.A. 12-2904, and subsequent filing of the agreement with the Register of Deeds of Sedgwick County, Kansas, and the Office of the Kansas Secretary of State.

Section 3. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the City Council of the City of Wichita, Kansas, and publication once in the official newspaper of the City.

PASSED by the Governing Body of the City of Wichita, Kansas this 25<sup>th</sup> Day of May, 2010.

Signed by the Mayor.

By \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf  
City Attorney

City of Wichita  
City Council Meeting  
May 18, 2010

**TO:** Mayor and City Council

**SUBJECT:** Substantial Amendment to the 2009-2013 Consolidated Plan

**INITIATED BY:** Housing and Community Services Department

**AGENDA:** New Business

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**Recommendation:** Approve the proposed amendments to the Neighborhood Revitalization Plan and authorize a 30 day public comment period.

**Background:** On April 17, 2007 the City Council approved an update to the Neighborhood Revitalization Plan with effective dates of July 1, 2007 through June 30, 2008. On June 9, 2009 the City Council authorized submission of the 2009-2013 Consolidated Plan. On August 31, 2009 the U.S. Department of Housing and Urban Development (HUD) approved the Consolidated Plan. There was no Neighborhood Revitalization Plan included in the 2009-2013 Consolidated Plan. This action will add the Neighborhood Revitalization Plan to the Consolidated Plan.

**Analysis:** It has been determined that the City's Neighborhood Revitalization Plan should be revised to coincide with the effective dates of the 2009-2013 Consolidated Plan. In order to do so, a 30 day public comment period is required. Programs that are covered by the 2009-2013 Consolidated Plan can be delivered on an area basis with a current Neighborhood Revitalization Plan. Otherwise program services must be delivered based on the income eligibility of each recipient household. The proposed change extends the effective dates and allows the Council to make other such amendments as may be necessary.

**Goal Impact:** Enhance the Safe and Secure Community, Economic Vitality and Affordable Living, Efficient Infrastructure, Quality of Life and Core Area and Neighborhoods goals.

**Financial Considerations:** Updating the effective dates of the Neighborhood Revitalization Plan will enhance the City's ability to utilize Community Development Block Grant and HOME Investment Partnerships funding from HUD. No City General Funds are involved.

**Legal Considerations:** The proposed change to the Neighborhood Revitalization Plan requires a 30 day public comment period.

**Recommendations/Actions:** It is recommended that the City Council approve the proposed amendments to the Neighborhood Revitalization Plan and authorize a 30 day public comment period.

**Attachments:** Neighborhood Revitalization Plan amendment.

## **XVI. AMOUNT OF REBATE AND MAXIMUM TERM**

Tax rebates will be provided in the designated Neighborhood Revitalization Areas (See Appendix 1) subject to all Criteria for Determination of Eligibility (See Chapter XIII) being met and a complete tax rebate application being filed (See Chapter XIV). The tax rebates generally apply to rehabilitation, additions or new construction, subject to the Criteria of Determination of Eligibility. A summary of the tax rebates by property types are listed in the following table:

<b>Property Type</b>	<b>Percent of Rebate (of incremental taxes)</b>	<b>Length of Rebate (from first rebate payment)</b>	<b>Maximum Building Permit Value</b>
Single Family Residential (New and Rehab)	95%	Five Years	No Limit
Multi-Family (New and Rehab)	75%	Five Years	\$500,000
Commercial and Industrial (New and Rehab)	75%	Five Years	\$250,000
Historic Properties** (New and Rehab)	95%	Five Years	No Limit

\*\* For any historic property listed on the national, state or local historic register or located within a local designated historic district.

The Neighborhood Revitalization Program will be in effect from July 1, 2008 through June 30, 2013. The City Council reserves the right to make such adjustments or amendments as it deems necessary regarding the operation of the program during this time period. The Neighborhood Revitalization Plan will be developed based on current Census and community data with the creation of each new Consolidated Plan.

## **XVII. NEIGHBORHOOD REVITALIZATION FUND**

The governing body of the City of Wichita hereby authorizes the establishment of a Neighborhood Revitalization Fund in accordance with the provisions of K.S.A. 12-17,118. "The Neighborhood Revitalization Fund is to finance the redevelopment or designated revitalization areas and dilapidated structures and to provide rebates authorized by this section. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes."

REVISED 5-17-2010

**City of Wichita  
City Council Meeting  
May 18, 2010**

**TO:** Mayor and City Council

**SUBJECT:** Cultural Funding Allocation Recommendations

**INITIATED BY:** Division of Arts & Cultural Services

**AGENDA:** New Business

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**Recommendation:** Approve the Fiscal Year (FY) 2011 funding allocations recommended for arts and cultural organizations by the Cultural Funding Committee.

**Background:** In 2005, the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed seven (7) members. The Arts Council appointed four (4) members. The committee consists of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to the City Manager and members of City Council on allocation of additional funding through operational grants for arts and cultural organizations.

In addition to reviewing and making recommendations for Cultural Funding, the Cultural Funding Committee was also tasked for FY 2011 with reviewing the Operational Agreement Reports for the Group One organizations and making recommendations on the funding level projected for FY 2011.

**Analysis:**

Before the Cultural Funding Committee began deliberations, the committee voted to set aside three percent (3%) of the full one (1) mill in anticipation of budget reductions for FY2011. The total equivalent of one (1) full mill was identified as \$3,179,000. The total amount left to allocate to the arts and cultural organizations after the three percent (3%) reduction was \$3,083,633.

**Group One Operating Agreements**

Group One organizations are defined by the Cultural Arts Plan as organizations that have City owned property or facilities, City employees, or collections which are owned by the City. In 2010, the City of Wichita entered into Operating Agreements with four (4) Group One organizations. Old Cowtown Museum does not have an operating agreement with the City because the facility is currently under the management of the Division of Arts and Cultural Services.

The purpose of the Operating Agreement is to define the City's expectations for Group One organizations and to identify anticipated funding amounts for five (5) years which will allow organizations the ability to create long-term strategic plans. Working with a committee of private citizens as well as the Cultural Funding committee, a list of performance criteria was developed with the intent of encouraging Group One organizations to perform at a high level of excellence and to determine the organization's over-all health. As a result of the Operating Agreements, organizations will be asked to provide:

- Demonstration of financial growth over a three-year time period.
- Assurance of financial security by maintaining a three (3) to six (6) month operating reserve.
- Annual review of funding amounts identified in the Operating Agreement ~~by the Cultural Funding Committee.~~
- Submission of annual reports to the Cultural Funding committee for review.
- Development of Improvement Plans for organizations who do not meet excellence criteria established as a result of the annual review of these agreements.
- Accountability of funding expenditures to the City.
- Inclusion of City representation on all boards.

After reviewing the Operational Agreement Reports and listening to presentations from the Group One organizations, the committee recommends funding the organizations at the level identified in their Operating Agreements for FY2011.

Once the committee had identified the amount to be allocated for the Group One organizations' Operating Agreements, the members determined that \$689,626 remained for allocation to organizations which applied for supplemental funding. This included all five Group One organizations.

Since the committee had determined it would reward excellence and established evaluation criteria to determine excellence and the move toward it, they established a baseline using averages of the scores given by the 11 members to the applications. Applications with average scores below this baseline were not considered for funding. While the average scores were important in the determination of a corresponding funding amount, they were not the only factor used. Economic impact, history of performance, financial stability and community impact were all taken into consideration.

Organization Name	Amount Received in 2010	2011 Amount Recommended in the Agreement
<b>Group 1 with Operating Agreement</b>		
Historical Museum	\$136,000.00	\$138,040.00
The Wichita Art Museum, Inc.	\$1,534,643.00	\$1,557,663.00
Mid-America All-Indian Center	\$157,900.00	\$160,269.00
Botanica, The Wichita Gardens	\$288,700.00	\$292,560.00
Cowtown	\$241,851.00	\$245,475.00
<b>Total Group One Operating Amount</b>	<b>\$2,359,094.00</b>	<b>\$2,394,007.00</b>

**Supplemental Funding For Group One**

Organization Name	FY2011 Amount Requested	Amount Received in 2010	Final Score	2011 Amount Recommended
Botanica	\$194,600.00	\$84,100.00	88	\$28,070.00
Mid-America All-Indian Museum	\$5,000.00	\$20,000.00	84	\$3,816.00
Historical Museum	\$43,000.00	\$20,000.00	83	\$8,980.00
Wichita Art Museum	\$200,000.00	\$20,000.00	82	\$8,491.00
Old Cowtown Museum	\$75,000.00	\$20,000.00	82	\$18,188.00
<b>Total Group 1 Supplemental Recommended</b>	<b>\$517,600.00</b>	<b>\$164,100.00</b>		<b>\$67,545.00</b>

**Supplemental Funding For All Other Groups**

Organization Name	FY2011 Amount Requested	Amount Received in 2010	Final Score	2011 Amount Recommended	2011 % of Request
Wichita Public Library Foundation	\$71,192.00	\$41,054.00	95	\$70,000.00	98.33%
Wichita Symphony	\$125,000.00	\$95,000.00	93	\$110,000.00	88.00%
WSU Foundation (Ulrich Museum)	\$40,000.00	\$20,000.00	90	\$35,000.00	87.50%
Arts Partners	\$45,000.00	\$40,000.00	89	\$42,541.00	94.54%
Orpheum Performing Arts Center, Ltd	\$40,000.00	\$40,000.00	88	\$35,000.00	87.50%
Music Theatre of Wichita	\$100,000.00	\$85,000.00	86	\$85,000.00	85.00%
Wichita Children's Theatre	\$50,000.00	\$30,000.00	85	\$40,000.00	80.00%
Tallgrass Film Festival	\$20,000.00	\$15,000.00	85	\$18,000.00	90.00%
Sedgwick County Zoological Society	\$85,000.00	\$45,000.00	83	\$58,000.00	68.24%
Chamber Music at the Barn	\$20,000.00	\$10,000.00	83	\$16,000.00	80.00%
Opera Kansas	\$5,000.00	\$5,000.00	81	\$4,000.00	80.00%
Kansas Aviation Museum	\$60,000.00	\$30,000.00	80	\$45,000.00	75.00%
Music Theatre for Young People	\$10,000.00	\$3,000.00	78	\$6,000.00	60.00%
Heart of America Men's Chorus Inc.	\$10,000.00	\$5,000.00	75	\$6,000.00	60.00%
Museum of World Treasures	\$80,000.00	\$15,000.00	73	\$45,000.00	56.25%
American Guild of Organists	\$500.00	\$500.00	67	\$0.00	0%
Ballet Wichita	\$25,700.00	\$10,000.00	65	\$0.00	0%
The Kansas African American Museum	\$43,700.00	\$25,000.00	57	\$0.00	0%
Newman University Fine Arts	\$15,000.00	\$0.00		\$0.00	0.00%
Wichita Festivals Inc	\$75,000.00	Did not apply in 2010		\$0.00	0.00%
Arts Council**	\$6,540.00	\$6,540.00		\$6,540.00	

<b>Total supplemental recommended for all other organizations (16 organizations)</b>	<b>\$927,632.00</b>	<b>\$521,094.00</b>		<b>\$622,081.00</b>	
<b>Total supplemental recommended for all other organizations and Group One</b>	<b>\$1,445,232.00</b>	<b>\$685,194.00</b>		<b>\$689,626.00</b>	
<b>Total Amount to Allocate</b>	<b>\$3,835,614.15</b>	<b>\$3,044,288.00</b>		<b>\$3,083,633.00</b>	

\*\* Arts Council does not apply for funding. The amount allocated is to provide necessary administrative funding support for the Cultural Funding committee which is a sub-committee of the Arts Council. The amount allocated has remained the same since 2006.

**Financial Consideration:** The projected equivalent of one (1) mill levy for FY2011 amounted to \$3,179,000. The committee then made the decision to reduce this amount by three percent (3%) to address budget reductions taken in other departments. This left a total of \$3,083,633 to be allocated.

**Goal Impact:** To work toward funding organizations which demonstrate excellence or continued improvement in the operations of their organization and to enhance the quality of life for citizens of Wichita.

**Legal Consideration:** The Law Department drafted the currently effective 5-year operating agreements for Group 1 organizations. Upon designation by Council of the additional selected funding recipients and the amounts to be allocated, the Law Department will modify or create as needed the Cultural Funding Contracts for these remaining recipients.

**Recommendations/Action:** Approve the FY2011 funding allocations recommended for arts and cultural organizations by the Cultural Funding Committee.

**Attachment:** None

**Agenda Item No. V-1**

**City of Wichita  
City Council Meeting  
May 18, 2010**

**TO:** Mayor and City Council

**SUBJECT:** ZON2010-00011 – City zone change from GO General Office (“GO”) to NR Neighborhood Retail (“NR”); generally located on the south side of Central Avenue, 500 feet west of Woodlawn Boulevard. (District II)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**DAB IV Recommendation:** Approve, vote (6-0).

**MAPC Recommendation:** Approve, vote (12-0).

**MAPD Staff Recommendation:** Approve.



**Background:** The applicant owns 5921 East Central Avenue, a 0.20-acre platted lot, located on the south side of East Central, approximately 500 feet west of Woodlawn Boulevard. The property is currently zoned GO General Office (“GO”), and it is subject to a deed restriction recorded on June 15, 1988, that: 1) prohibits the property from being combined with the lots located to the south and 2) modification of the covenant requires a public hearing before the Metropolitan Area Planning Commission and City Council. Conditional Use 560 was also approved on January 27, 2000, to permit a “personal care service.” The applicant is seeking NR Neighborhood Retail (“NR”) zoning and currently operates a personal care service, a barber shop, on the application area. The applicant is seeking NR zoning to permit retail sales.

The site is developed with a building containing less than 1,000 square feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade driveway off of Central Avenue. The GO and NR zoning districts share the same signage controls. The primary land use difference between the two districts lies in the fact that the NR district allows retail sales and restaurant without drive-up uses as a use “by right” while the GO district does not permit these uses. Special NR district regulations restrict individual commercial uses to a maximum size of 8,000 square feet. Supplemental use regulations limit restaurants to a maximum size of 2,000 square feet, and they cannot provide drive-up window service or in-vehicle food service. Outdoor commercial storage or display is not permitted in the NR district. Compatibility setback standards are required. The existing building is setback approximately 25 feet from the north property line. Twenty-five feet is the required maximum compatibility setback.

Property north of the site, across Central Avenue, is zoned LC Limited Commercial (“LC”) and is developed as a strip office center. Property south of the subject site is zoned SF-5 Single-family Residential (“SF-5”) and is developed with single-family residences. Property west of the subject site is zoned GO and is developed with a personal care service, and the property east of the subject site is also zoned GO and is developed as a single-family residence.

**Analysis:** At the DAB II meeting held March 3, 2010, the DAB voted (6-0) to recommend approval of the request for NR zoning. The case was approved by consent and there was no one in the public to speak for or against the application.

At the MAPC meeting held April 15, 2010, the MAPC voted (12-0) to recommend approval of the request for NR zoning. The case was approved by consent, and there was no one in the public to speak for or against the application.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading.

ORDINANCE NO. 48-741

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2010-00011**

Zone change request from GO General Office ("GO") to NR Neighborhood Retail ("NR") on properties described as:

East 62 feet of Lot 3, Jim Fisher Addition, Wichita, Sedgwick County, Kansas; generally located on the south side of Central Avenue, 500-feet west of Woodlawn Boulevard (5921 E. Central Avenue)

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED this 25th day of May, 2010.**

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

## EXCERPT OF THE APRIL 15, 2010 MAPC HEARING

**Case No.: ZON2010-11** - Harvey Farha (Owner/Applicant) requests a City zone change from GO General Office to NR Neighborhood Retail on property described as;

The EAST 62 feet of Lot 3, Jim Fisher Addition to Wichita, Sedgwick County, Kansas, generally located south of Central Avenue, 500 feet west of Woodlawn Boulevard (5921 E. Central Avenue).

**BACKGROUND:** The applicant owns 5921 East Central Avenue, a .20 acre platted lot, located on the south side of East Central, approximately 900 feet west of North Woodlawn Boulevard. The property is currently zoned GO General Office ("GO"), and subject to a deed restriction recorded on June 15, 1988, that: 1) prohibits the property from being combined with the lots located to the south and 2) modification of the covenant requires a public hearing before the Metropolitan Area Planning Commission and City Council. Conditional Use 560 was also approved on January 27, 2000, to permit a "personal care service." The applicant is seeking NR Neighborhood Retail ("NR") zoning, and currently operates a personal care service, a barber shop, on the application area. The applicant is seeking NR zoning to permit retail sales.

The site is developed with a building containing less than 1,000 square-feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade drive off of Central Avenue. The GO and NR zoning districts share the same signage controls. The primary land use difference between the two districts lies in the fact that the NR district allows retail sales and restaurant without a drive-up uses as a use "by right" while the GO district does not permit these uses. Special NR district regulations restrict individual commercial uses to a maximum size of 8,000 square feet. Supplemental use regulations limit restaurants to a maximum size of 2,000 square feet, and they cannot provide drive-up window service or in-vehicle food service. Outdoor commercial storage or display is not permitted in the NR district. Compatibility setback standards are required. The existing building is setback approximately 25 feet from the north property line. Twenty-five feet is the required maximum compatibility setback.

Property north of the site, across Central Avenue, is zoned LC Limited Commercial ("LC") and is developed as a strip office center. Property south of the subject site is zoned SF-5 Single-family Residential ("SF-5") and is developed with single-family residences. Property west of the subject site is zoned GO and is developed with a personal care service, and the property east of the subject site is also zoned GO and is developed as a single-family residence.

**CASE HISTORY:** The application area is platted as the East 62 feet of Lot 3, Jim Fisher Addition, recorded June 21, 1988. There has been a previous zone case on the subject site in 1987, Z-2806. Z-2806 was a zone change from "AA" (currently SF-5) Single-family Dwelling District and "A" Two-family Dwelling District (currently TF-3 Two-family Residential) to "BB" (currently GO) Office District approved on December 8, 1987. That zone change was subject to the platting of the property (Jim Fisher Addition) which is how the property is currently platted. Conditional Use 560, approved January 27, 2000, permitted a personal care service, subject to conditions.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Strip Office Center
SOUTH:	SF-5	Single-family Residence
EAST:	GO	Single-family Residence
WEST:	GO	Personal Care Service

**PUBLIC SERVICES:** East Central Avenue, along the north side of the subject site and the main access point to the site, is a paved six-lane principal arterial with approximately 41,000 average daily trips. The nearest major intersection, East Central and North Woodlawn Boulevard, is located approximately 900-feet east of the subject site. North Woodlawn Boulevard is a paved four-lane principal arterial with approximately 39,000 average daily trips. All municipal services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The *2030 Wichita Functional Land Use Guide* depicts this location as being appropriate for “local commercial” uses. Local commercial uses contain concentrations of commercial, office and personal service uses that do not have a significant regional market draw and high retail traffic. The range of uses includes: office, vehicle repair and service, grocery stores, florist shops, restaurants and personal service facilities.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property north of the site, across Central Avenue, is zoned LC and is developed as a strip office center. Property south of the subject site is zoned SF-5 and is developed with single-family residences. Property west of the subject site is zoned GO and is developed with a personal care service, which the property east of the subject site is also zoned GO and is developed as a single-family residence.
2. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned GO. The site could continue to be used as currently zoned as the GO district permits a number of uses that seem to successfully exist in the general proximity of the application area.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The site currently has a restriction, Covenant 2, which prevents the combining of the application area with residential property located to the south, and a another development standard requires cross-lot circulation with properties to the east and west. The property has a screening fence separating the application area from the residential uses located to the south; however the property has not yet been paved to facilitate cross-lot circulation.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: NR zoning has a fairly limited list of

commercial uses when compared to the other commercial zoning districts permitted by the code. Approval would add a somewhat wider range of uses for the property than is currently allowed, and make the property more valuable to the applicant.

5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with the Comprehensive Plan's designation for "local commercial" uses.
6. Impact of the proposed development on community facilities: None identified.

**DERRICK SLOCUM**, Planning Staff presented the Staff Report.

**FOSTER** referred to item #3 on page 3 of the Staff Report with reference to cross lot circulation. He commented that retail sales will potentially generate more traffic and asked if parking access on the site plan should be addressed now.

**MILLER** explained that the cross lot circulation is from an earlier case when all the lots were rezoned to GO General Office. He said cross lot circulation is developed on a case by case situation and is being reviewed by staff.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **MARNELL** seconded the motion, and it carried (12-0).



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**INTEROFFICE  
MEMORANDUM**

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**TO:** MAPC Members  
**FROM:** Antione Sherfield, Neighborhood Assistant, District II  
**SUBJECT:** ZON2010-00011: Neighborhood Retail Request (NR)  
**DATE:** April 5, 2010

On Monday, April 5, 2010 the District II Advisory Board considered the request to change Zoning from General Office (GO) to Neighborhood Retail (NR) located on the South side of Central Avenue, 500-feet west of Woodlawn Boulevard (5921 E. Central Avenue).

The applicant owns 5921 East Central Avenue, a .20 acre platted lot, located on the south side of East Central, approximately 900 feet west of North Woodlawn Boulevard. The property is currently zoned GO General Office ("GO"), and subject to a deed restriction recorded on June 15, 1988 that: 1) prohibits the property from being combined with the lots located to the south and 2) modification of the covenant requires a public hearing before the Metropolitan Area Planning Commission and City Council. Conditional Use 560 was also approved on January 27, 2000, to permit a "personal care service." The applicant is seeking NR Neighborhood Retail ("NR") zoning, and currently operates a personal care service, a barber shop, on the application area. The applicant is seeking NR zoning to permit retail sales.

The site is developed with a building containing less than 1,000 square-feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade drive off of Central Avenue. The GO and NR zoning districts share the same signage controls. The primary land use difference between the two districts lies in the fact that the NR district allows retail sales and restaurant without a drive-up uses as a use "by right" while the GO district does not permit these uses. Special NR district regulations restrict individual commercial uses to a maximum size of 8,000 square feet. Supplemental use regulations limit restaurants to a maximum size of 2,000 square feet, and they cannot provide drive-up window service or in-vehicle food service. Outdoor commercial storage or display is not permitted in the NR district. Compatibility setback standards are required. The existing building is setback approximately 25 feet from the north property line. Twenty-five feet is the required maximum compatibility setback.

Property north of the site, across Central Avenue, is zoned LC Limited Commercial ("LC") and is developed as a strip office center. Property south of the subject site is zoned SF-5 Single-family Residential ("SF-5") and is developed with single-family residences. Property west of the subject site is zoned GO and is developed with a personal care service, and the property east of the subject site is also zoned GO and is developed as a single-family residence.

**CASE HISTORY:** The application area is platted as the East 62 feet of Lot 3, Jim Fisher Addition, recorded June 21, 1988. There has been a previous zone case on the subject site in 1987, Z-2806. Z-2806 was a zone change from "AA" (currently SF-5) Single-family Dwelling District and "A" Two-family Dwelling District (currently TF-3 Two-family Residential) to "BB" (currently GO) Office District approved on December 8, 1987. That zone change was subject to the platting of the property (Jim Fisher Addition) which is how the property is currently platted. Conditional Use 560, approved January 27, 2000, permitted a personal care service, subject to conditions.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Strip Office Center
SOUTH:	SF-5	Single-family Residence
EAST:	GO	Single-family Residence
WEST:	GO	Personal Care Service

**Recommended Action:** The **DAB** voted **(6-0)** to accept the Planning Staff's Recommendation.

Antione Sherfield  
Neighborhood Assistant – District II

**City of Wichita  
City Council Meeting  
May 18, 2010**

**TO:** Mayor and City Council Members

**SUBJECT:** DED2010-00004 -- Dedication of Utility Easement located on the northeast corner of Douglas and Washington. (District I)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning (Consent)

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**Staff Recommendation:** Accept the Dedication.

**Background:** This Dedication is associated with Lot Split Case No. SUB2009-00078 (part of Armstrong and Mathewson Additions) and is for construction and maintenance of public utilities.

**Analysis:** None.

**Financial Considerations:** None.

**Goal Impact:** Ensure Efficient Infrastructure.

**Legal Considerations:** The Dedication has been recorded with the Register of Deeds.

**Recommendations/Actions:** It is recommended that the City Council accept the Dedication.

**Attachment:** None.





Sedgwick County  
Register of Deeds - Bill Meek  
DOC.#/FLM-PG: 29108430

Receipt #: 1734581  
Pages Recorded: 3  
Cashier Initials: AKB

Recording Fee: \$16.00  
Authorized By: 

Date Recorded: 12/4/2009 8:35:16 AM



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Grantor	<u>STANDIFORD LARRY J</u>
Grantee	<u>WICHITA CITY OF</u>
Type of Document	<u>EASEMENTS - MISCELLANEOUS</u>
Recording Fees	<u>\$16.00</u>
Mtg Reg Tax	<u>\$0.00</u>
Total Amount	<u>\$16.00</u>
Return Address	<u>SECURITY 1ST TITLE</u>
	<u>434 N. MAIN</u>
	<u>WICHITA, KS 67202</u>
	<u></u>

DED 2010-041  
(45 No. Sub 2009-78)

UTILITY EASEMENT

THIS EASEMENT made this 24<sup>th</sup> day of November, 2009,  
by and between Larry J. Standiford, Patricia J. Standiford, Roger D. Standiford and  
Sharon Y. Standiford of the first part and the City of Wichita of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One  
Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby  
acknowledged, do hereby grant and convey unto the said second party a perpetual  
right-of-way and easement for the purpose of constructing, maintaining, and repairing a  
all public utilities, over, along and under the following described real estate situated in  
Sedgwick County, Kansas, to wit:

Commencing at the Southwest corner of Lot 2, on Washington Avenue, L.A.  
Armstrong's Addition to Wichita, Sedgwick County, Kansas; thence East  
along the South line of said Lot 2 a distance of 10.00 feet to the East line of  
Washington Avenue; thence North along the East line of Washington Avenue  
64.05 feet for the point of beginning; thence continuing North along the East  
line of said Washington Avenue 15.00 feet; thence East parallel with the  
South line of Mathewson's Addition to Wichita, Sedgwick County, Kansas  
260.75 (record) feet to the West line of Wabash Avenue; thence South along  
the West line of Wabash Avenue 15.00 feet; thence West parallel with the  
South line of said Mathewson's Addition 260.75 (record) feet to the point of  
beginning.

And said second party is hereby granted the right to enter upon said premises at any  
time for the purpose of constructing, operating, maintaining, and repairing such public  
utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day  
and year first written.

Larry J. Standiford  
Larry J. Standiford

Patricia J. Standiford  
Patricia J. Standiford

Roger D. Standiford  
Roger D. Standiford

Sharon Y. Standiford  
Sharon Y. Standiford

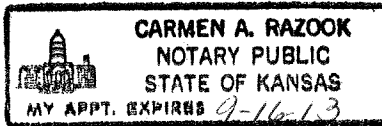
DED  
2010-04

16.00  
Sec 1st

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid came Larry J. Standiford and Patricia J. Standiford, husband and wife to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated on this 24<sup>th</sup> day of November, 2009.



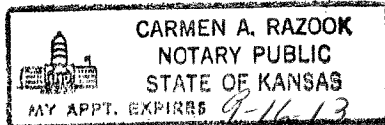
Carmen A. Razook  
Notary Public

(My Commission expires Sept 16, 2013)

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

Personally appeared before me a notary public in and for the County and State aforesaid came Roger D. Standiford and Sharon Y. Standiford, husband and wife to me personally known to be the same persons who executed the foregoing instrument of writing and said persons duly acknowledged the execution thereof.

Dated on this 24<sup>th</sup> day of November, 2009.



Carmen A. Razook  
Notary Public

(My Commission expires Sept 16, 2013)

**PRELIMINARY ESTIMATES  
FOR CITY COUNCIL MAY 18, 2010**

- a) The cost of construction of Water Distribution System for I-235 and Broadway to serve Unplatted Tracts and Farmers and Kratzkes Additions (north of 37th Street North, east of Arkansas). (District VI) (448-90447/735440/470-113) – Total Estimated Cost \$440,000.00

## **DEEDS AND EASEMENTS** - May 18, 2010

- a. Storm Water Drainage and Detention Basin Improvements Easement dated March 25, 2010 from ACCN Enterprises, LLC for a pond lying within Reserve A, Summit Crossing Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751487) No cost to City.
- b. Storm Water Drainage and Detention Basin Improvements Easement dated February 11, 2010 from CBB Northlakes, LLC for a pond lying within Reserve C, Moorings 10<sup>th</sup> Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #751487) No cost to City.

**CITY OF WICHITA**  
**City Council Meeting**  
May 18, 2010

**TO:** Mayor and City Council Members

**SUBJECT:** Contract for Consultant Services for Acquisition and Relocation: Improvement of Kellogg (US 54) from 119<sup>th</sup> Street West to 151<sup>st</sup> Street West (District V)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the contract.

**Background:** The project to improve Kellogg (US 54) from 119<sup>th</sup> Street West to 151<sup>st</sup> Street West will require the acquisition of all or part of approximately 43 tracts. There are also approximately 16 commercial and residential relocations associated with the project along with an estimated seven outdoor advertising signs. Due to the size of the project and current staffing levels, assistance is required to complete the acquisitions in a timely manner.

**Analysis:** Proposals to provide acquisition and relocation services were solicited from the firms listed on KDOT's list of qualified consultants. Two firms submitted proposals. Land Acquisitions, Inc. was selected from among the proposals by the review committee based on qualifications, staffing levels and price. Based on the proposal, it is estimated that \$85,000 will be sufficient to complete the assignment.

**Financial Considerations:** Funding is available within the project budget to fund the proposed costs. The funding source is General Obligations Bonds.

**Goal Impact:** These acquisitions are necessary to ensure efficient infrastructure by improving the major east/west highway connector through the City.

**Legal Considerations:** The Law Department has approved the contract as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Contract and 3) Authorize the necessary signatures.

**Attachments:** Contract for Right of Way Negotiation and Relocation Assistance Services.

**CONTRACT**  
**for**  
**Right of Way Negotiation and Relocation Assistance Services –**  
**West Kellogg Avenue Improvement Project**

**THIS CONTRACT** entered into this 18<sup>th</sup> day of May, 2010, by and between the **CITY OF WICHITA, KANSAS**, a municipal corporation, hereinafter called "**CITY**", and **LAND ACQUISITIONS, INC.** (Performance Vendor Code Number 803786-001), 300 W. Douglas, Suite 315, Wichita, KS 67202, Telephone Number (316) 618-8047 hereinafter called "**CONTRACTOR**".

**WITNESSETH:**

**WHEREAS**, the **CITY** has solicited services for Right of Way Negotiation and Relocation Assistance Services in conjunction with the West Kellogg Avenue Improvement Project, and

**WHEREAS**, **CONTRACTOR** has submitted the proposal most beneficial to the **CITY** and is ready, willing, and able to provide the commodities and/or services required by the **CITY**.

**NOW, THEREFORE**, the parties hereto agree as follows:

1. **Scope of Services.** **CONTRACTOR** shall provide to the **CITY** all those commodities and/or services specified in its proposal for services for Right of Way Negotiation and Relocation Assistance Services in conjunction with the West Kellogg Avenue Improvement Project, which is incorporated herein by this reference the same as if it were fully set forth. The proposal package, including all specifications submitted by the **CONTRACTOR** for Right of Way Acquisitions and Relocation Consulting Services for Improvements to West Kellogg Avenue Between 119<sup>th</sup> Street and 159<sup>th</sup> Street West shall be considered a part of this contract and is incorporated by reference herein.

2. **Compensation.** **CITY** agrees to pay to **CONTRACTOR** a **not to exceed fee of \$85,000.00** for the Right of Way Acquisitions and Relocation Consulting Services for Improvements to West Kellogg Avenue Between 119<sup>th</sup> Street and 159<sup>th</sup> Street West as per the proposal, plans, specifications, addenda and Contractor's proposal of April 1, 2010 and as approved by the City Council on May 18, 2010.

3. **Term.** The term of this contract shall be for a two (2) year term, **effective May 18, 2010 through May 17, 2012.** This contract is subject to cancellation by the **CITY**, at its discretion at any time within the original contract term or within any successive renewal, upon thirty (30) days written notice to **CONTRACTOR.**

4. **Indemnification and Insurance.**

a. **CONTRACTOR** shall save and hold the **CITY** harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of **CONTRACTOR**, its officers, agents, servants, or employees, occurring in the performance of its services under this Contract, or arising from any defect in the materials or workmanship of any product provided in the performance of this Contract.

b. **CONTRACTOR** will carry insurance coverage during the term of this contract and any extensions thereof in the amounts and manner provided as follows:

1. Comprehensive General Liability covering premises—  
operations, xcu (explosion, collapse and underground) hazards when  
applicable, Product/Completed operations, Broad Form Property Damage,  
and Contractual Liability with minimum limits as follows:

Bodily Injury Liability	\$500,000 each occurrence \$500,000 each aggregate
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Property Damage Liability	\$500,000 each occurrence \$500,000 each aggregate
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Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 each occurrence \$500,000 each aggregate
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2. Automobile Liability - Comprehensive Form including all owned, hired  
and non-owned vehicles with minimum limits for:

Bodily Injury Liability	\$500,000 each accident
Property Damage Liability	\$500,000 each accident

Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 each accident
--	-------------------------

3. Workers' Compensation/Employers Liability for minimum limits of:

Employers Liability	\$100,000 each accident
---------------------	-------------------------

The Insurance Certificate must contain the following:

- A. Statement that the Contractual Liability includes the Liability of the City of Wichita assumed by the Contractor in the contract documents.
  - B. Cancellation – should any of the above policies be canceled before the expiration date thereof the issuing company will mail ten (10) days written notice to certificate holder.
5. **Independent Contractor.** The relationship of the **CONTRACTOR** to the **CITY** will be that of an independent contractor. No employee or agent of the **CONTRACTOR** shall be considered an employee of the **CITY**.
6. **Compliance with Laws.** **CONTRACTOR** shall comply with all laws, statutes and ordinances which may pertain to the providing of services under this Contract.
7. **No Assignment.** The services to be provided by the **CONTRACTOR** under this Contract are personal and cannot be assigned, sublet or transferred without the specific written consent of the **CITY**.
8. **Non-Discrimination.** **CONTRACTOR** shall comply with all applicable requirements of the City of Wichita Revised Non-Discrimination and Equal Employment /Affirmative Action Program Requirements Statement for Contracts or Agreements attached hereto as Exhibit A.
9. **Third Party Rights.** It is specifically agreed between the parties that it is not intended by any of the provisions of any part of this Contract to create the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms or provisions of this Contract.
10. **No Arbitration.** The Contractor and the City shall not be obligated to resolve any claim or dispute related to the Contract by arbitration. Any reference to arbitration in bid or proposal documents is deemed void.
11. **Governing Law.** This contract shall be interpreted according to the laws of the State of Kansas.
12. **Representative's Authority to Contract.** By signing this contract, the representative of the contractor or **CONTRACTOR** represents the he or she is duly authorized by the contractor or **CONTRACTOR** to execute this contract, and that the contractor or **CONTRACTOR** has agreed to be bound by all its provisions.

**IN WITNESS WHEREOF**, the parties have set their hands the day and year first above written.

**ATTEST:**

**CITY OF WICHITA, KANSAS**

\_\_\_\_\_  
Janis Edwards  
Deputy City Clerk

\_\_\_\_\_  
Carl G. Brewer  
Mayor

**APPROVED AS TO FORM:**

**LAND ACQUISITIONS, INC.**

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Title (President or Corporate Officer)*

## **EXHIBIT A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, Contractor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, Contractor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or Contractor.

C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:

1. The Contractor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
2. The Contractor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the Contractor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
3. The Contractor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the Contractor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the Contractor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
4. The Contractor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subcontractor or subsupplier.
5. If the contractor fails to comply with the manner in which the contractor

reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, Contractors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those Contractors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, Contractor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

**CITY OF WICHITA**  
**City Council Meeting**  
May 18, 2010

**TO:** Mayor and City Council Members

**SUBJECT:** Contract for Consultant Services for Acquisition and Relocation: 13<sup>th</sup> Street North Improvement Project (District I)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the contract.

**Background:** The project to widen and improve 13<sup>th</sup> Street North from I-135 to Oliver will require the acquisition of all or part of approximately 74 tracts. There are also approximately 58 commercial and residential relocations associated with the project. Due to the size of the project and current staffing levels, assistance is required to complete the acquisitions in a timely manner.

**Analysis:** Proposals to provide acquisition and relocation services were solicited from the firms listed on KDOT's list of qualified consultants. Four firms submitted proposals. Land Acquisitions, Inc. was selected from among the proposals by the review committee based on qualifications, staffing levels and price. Based on the proposal, it is estimated that \$175,000 will be sufficient to complete the assignment.

**Financial Considerations:** Funding is available within the project budget to fund the proposed costs. The funding source is General Obligations Bonds.

**Goal Impact:** These acquisitions are necessary to ensure efficient infrastructure by improving an arterial street through a developed part of the City.

**Legal Considerations:** The Law Department has approved the contract as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Contract and 3) Authorize the necessary signatures.

**Attachments:** Contract for Right of Way Negotiation and Relocation Assistance Services.

**CONTRACT**  
**for**  
**Right of Way Negotiation and Relocation Assistance Services –**  
**13<sup>th</sup> Street North Improvement Project**

**THIS CONTRACT** entered into this 18<sup>th</sup> day of May, 2010, by and between the **CITY OF WICHITA, KANSAS**, a municipal corporation, hereinafter called "**CITY**", and **LAND ACQUISITIONS, INC.** (Performance Vendor Code Number 803786-001), 300 W. Douglas, Suite 315, Wichita, KS 67202, Telephone Number (316) 618-8047 hereinafter called "**CONTRACTOR**".

**WITNESSETH:**

**WHEREAS**, the **CITY** has solicited services for Right of Way Negotiation and Relocation Assistance Services in conjunction with the 13<sup>th</sup> Street North Improvement Project, and

**WHEREAS**, **CONTRACTOR** has submitted the proposal most beneficial to the **CITY** and is ready, willing, and able to provide the commodities and/or services required by the **CITY**.

**NOW, THEREFORE**, the parties hereto agree as follows:

1. **Scope of Services.** **CONTRACTOR** shall provide to the **CITY** all those commodities and/or services specified in its proposal for services for Right of Way Negotiation and Relocation Assistance Services in conjunction with the 13<sup>th</sup> Street North Improvement Project, which is incorporated herein by this reference the same as if it were fully set forth. The proposal package, including all specifications submitted by the **CONTRACTOR** for Right of Way Acquisitions and Relocation Consulting Services for Improvements to 13<sup>th</sup> Street North from I-135 to Oliver, shall be considered a part of this contract and is incorporated by reference herein.

2. **Compensation.** **CITY** agrees to pay to **CONTRACTOR** a **not to exceed fee of \$175,000.00** for the Right of Way Acquisitions and Relocation Consulting Services for Improvements to 13<sup>th</sup> Street North from I-135 to Oliver Street as per the proposal, plans, specifications, addenda and Contractor's proposal of April 1, 2010 and as approved by the City Council on May 18, 2010.

3. **Term.** The term of this contract shall be for a two (2) year term, **effective May 18, 2010 through May 17, 2012.** This contract is subject to cancellation by the **CITY**, at its discretion at any time within the original contract term or within any successive renewal, upon thirty (30) days written notice to **CONTRACTOR.**

4. **Indemnification and Insurance.**

a. **CONTRACTOR** shall save and hold the **CITY** harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of **CONTRACTOR**, its officers, agents, servants, or employees, occurring in the performance of its services under this Contract, or arising from any defect in the materials or workmanship of any product provided in the performance of this Contract.

b. **CONTRACTOR** will carry insurance coverage during the term of this contract and any extensions thereof in the amounts and manner provided as follows:

1. Comprehensive General Liability covering premises—  
operations, xcu (explosion, collapse and underground) hazards when  
applicable, Product/Completed operations, Broad Form Property Damage,  
and Contractual Liability with minimum limits as follows:

Bodily Injury Liability	\$500,000 each occurrence \$500,000 each aggregate
-------------------------	---

Property Damage Liability	\$500,000 each occurrence \$500,000 each aggregate
---------------------------	---

Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 each occurrence \$500,000 each aggregate
--	---

2. Automobile Liability - Comprehensive Form including all owned, hired  
and non-owned vehicles with minimum limits for:

Bodily Injury Liability	\$500,000 each accident
Property Damage Liability	\$500,000 each accident

Or

Bodily Injury and Property Damage Liability (Combined Single Limit)	\$500,000 each accident
--	-------------------------

3. Workers' Compensation/Employers Liability for minimum limits of:

Employers Liability	\$100,000 each accident
---------------------	-------------------------

The Insurance Certificate must contain the following:

- A. Statement that the Contractual Liability includes the Liability of the City of Wichita assumed by the Contractor in the contract documents.
  - B. Cancellation – should any of the above policies be canceled before the expiration date thereof the issuing company will mail ten (10) days written notice to certificate holder.
5. **Independent Contractor.** The relationship of the **CONTRACTOR** to the **CITY** will be that of an independent contractor. No employee or agent of the **CONTRACTOR** shall be considered an employee of the **CITY**.
6. **Compliance with Laws.** **CONTRACTOR** shall comply with all laws, statutes and ordinances which may pertain to the providing of services under this Contract.
7. **No Assignment.** The services to be provided by the **CONTRACTOR** under this Contract are personal and cannot be assigned, sublet or transferred without the specific written consent of the **CITY**.
8. **Non-Discrimination.** **CONTRACTOR** shall comply with all applicable requirements of the City of Wichita Revised Non-Discrimination and Equal Employment /Affirmative Action Program Requirements Statement for Contracts or Agreements attached hereto as Exhibit A.
9. **Third Party Rights.** It is specifically agreed between the parties that it is not intended by any of the provisions of any part of this Contract to create the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a party to this Contract to maintain a suit for damages pursuant to the terms or provisions of this Contract.
10. **No Arbitration.** The Contractor and the City shall not be obligated to resolve any claim or dispute related to the Contract by arbitration. Any reference to arbitration in bid or proposal documents is deemed void.
11. **Governing Law.** This contract shall be interpreted according to the laws of the State of Kansas.
12. **Representative's Authority to Contract.** By signing this contract, the representative of the contractor or **CONTRACTOR** represents the he or she is duly authorized by the contractor or **CONTRACTOR** to execute this contract, and that the contractor or **CONTRACTOR** has agreed to be bound by all its provisions.

**IN WITNESS WHEREOF**, the parties have set their hands the day and year first above written.

**ATTEST:**

**CITY OF WICHITA, KANSAS**

\_\_\_\_\_  
Janis Edwards  
Deputy City Clerk

\_\_\_\_\_  
Carl G. Brewer  
Mayor

**APPROVED AS TO FORM:**

**LAND ACQUISITIONS, INC.**

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Title (President or Corporate Officer)*

## **EXHIBIT A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, Contractor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, Contractor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or Contractor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The Contractor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The Contractor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the Contractor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The Contractor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the Contractor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the Contractor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The Contractor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subcontractor or subsupplier.
  5. If the contractor fails to comply with the manner in which the contractor

reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, Contractors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those Contractors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, Contractor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.

**CITY OF WICHITA**  
**City Council Meeting**  
May 18, 2010

**TO:** Mayor and City Council Members

**SUBJECT:** Partial Acquisition of land at 1855 and 1902 South Sedgwick for the Meridian Drainage Outfall and Orient Boulevard Realignment Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** The Meridian Drainage Outfall project will provide additional storm water drainage for the area bounded by Meridian, Harry, Pawnee and McLean. In addition to the storm water outfall project, there are plans to close Orient from Sedgwick to Meridian. Currently, Orient intersects Meridian at an angle immediately south of a rail crossing, creating a dangerous traffic situation. The project will extend Dora through to Meridian to replace the current access from Orient. 1855 and 1902 South Sedgwick are in a unified ownership. Both sites will be impacted as a result of the proposed acquisition area. 1902 South Sedgwick is a vacant lot. The improvements on 1855 South Sedgwick are not impacted as a result of the project.

**Analysis:** The proposed acquisition is irregular in shape and consists of 12,853 square feet. The owner accepted the estimate appraised value of \$33,417, or \$2.60 per square foot.

**Financial Considerations:** The funding source for the project is General Obligation Bonds. A budget of \$34,317 is requested. This includes \$33,417 for acquisition and \$900 for the fees associated with recording and administrative fees.

**Goal Impact:** The acquisition of these parcels is necessary to ensure efficient infrastructure by improving the storm water drainage and traffic flow through a developed part of the City.

**Legal Considerations:** The Law Department has approved the contract as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contract and 3) Authorize the necessary signatures.

**Attachments:** Aerial map, tract map and real estate contract

## REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT, Made and entered into this 2 day of May, 2010 by and between Chisholm Trail Aerie No 3251 Fraternal Order of Eagles, a Kansas corporation, hereinafter referred to as "Seller," whether one or more, and City of Wichita, Kansas, a municipal corporation, hereinafter referred to as "Buyer," whether one or more.

**WITNESSETH:** That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed for the following described real property, situated in Sedgwick County, Kansas, to wit:

**Attached as Exhibit A**

2. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above-described real property the sum of Thirty-Three Thousand Four Hundred Seventeen Dollars (\$33,417) in the manner following, to-wit: cash at closing.

3. Buyer shall have the right to obtain, at Buyer's expense, a complete abstract of title certified to date, or a title insurance commitment to insure to the above-described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required. The Title Evidence shall be sent to City of Wichita, Kansas, Property Management Division for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. Taxes shall be pro-rated for the calendar year through the date of closing.

6. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before May 15, 2010.

7. The Seller further agrees to convey the above-described premises with improvements located thereon and deliver possession of the same and in the same condition as they now.

8. Possession to be given to Buyer at closing.

9. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be split 100% Buyer and 0% Seller. Buyer will pay 100% of the closing costs.

10. Site Assessment

A. At any time prior to the closing of this agreement, the buyer shall have the right to conduct or cause to be conducted, at Buyer's expense, an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous

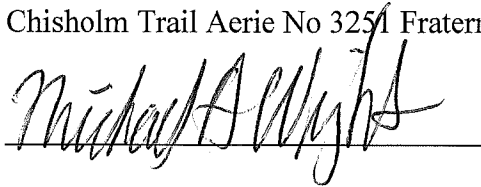
substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the property, Buyer shall have the right to void this agreement upon notice to Seller, in which event neither party shall be under any further obligation to the other, with the exception that Seller shall return to buyer any deposit made hereunder.

B. Provided, however, Buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. Buyer shall, if Buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

**WITNESS OUR HANDS AND SEALS** the day and year first above written.

**SELLER:**

Chisholm Trail Aerie No 3251 Fraternal Order of Eagles:



**BUYER:**

By Direction of the City Council

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

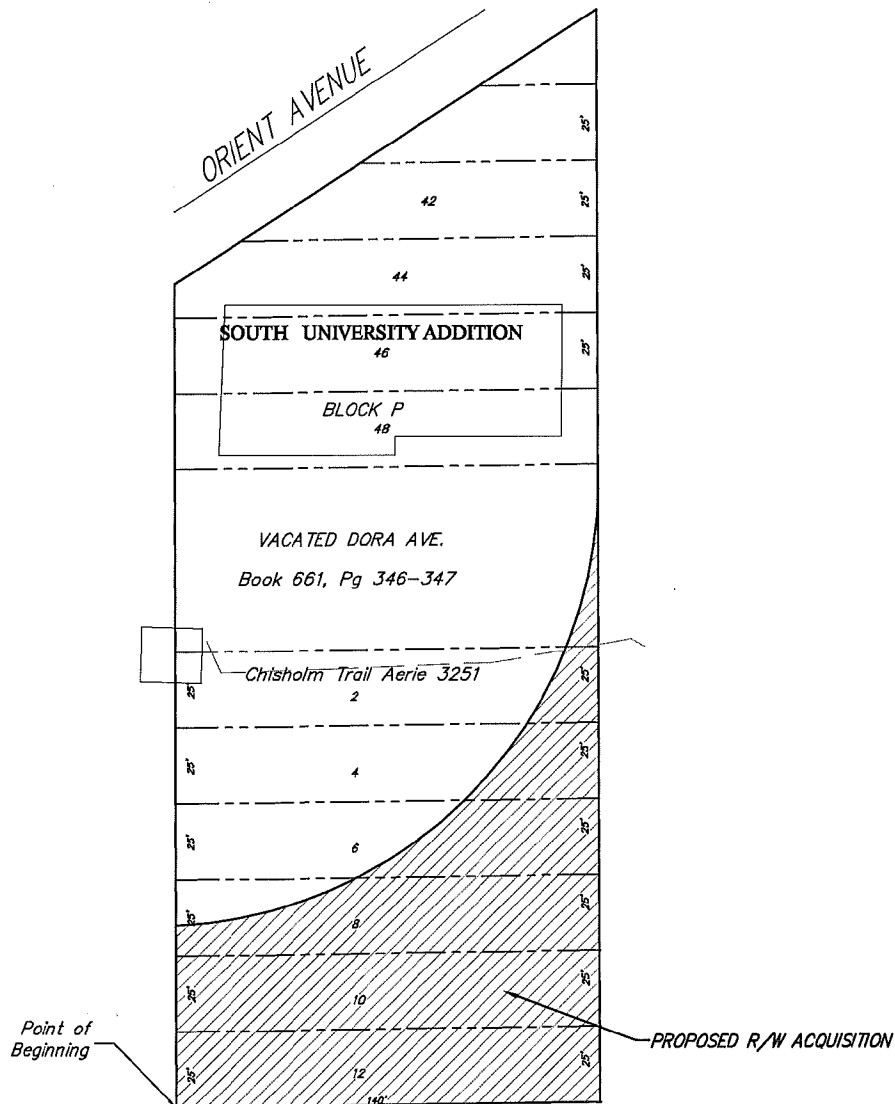
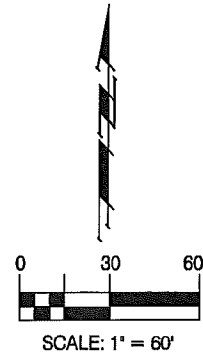
# EXHIBIT A

## LEGAL DESCRIPTION:

A Proposed Right-of-Way Acquisition in Lots 2, 4, 6, 8, 10 and 12, Block P, South University Place Addition to Wichita, Sedgwick County, Kansas, and a portion of Vacated Dora Avenue recorded in Book 661, Pages 346 adjacent to Lot 2 in said Block P, Described as Follows:

A portion of Lots 2, 4, 6, 8, 10 and 12 Block P, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas, and a portion of Vacated Dora Avenue recorded in Book 661, Pages 346 and 347 beginning at the SW corner of said Lot 12; thence north along the west line of said Lots 12, 10, and 8, 60.06 feet; thence easterly along a curve to the left having a radius of 145.00 a distance of 222.76 feet to a point on east line of vacated Dora Avenue and extended line of said Lot 2; thence south along the east line of said Lots 2, 4, 6, 8, 10, and 12 a distance of 204.19 feet more or less to the SE corner of said Lot 12; thence west along the south line of said Lot 12 a distance of 140.00 feet to the point of beginning.

Containing 12,853.0 Sq. Ft., more or less.



11-9-09

**Baughman Company, P.A.**  
 315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149  
**Baughman** ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

Project Number 08-02-E038

E:\eng\Meridian Drainage\Exhibit\Chisholm-Drainage.dwg

D-2797 1/2 D-2908

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City of Wichita  
City Council Meeting  
May 18, 2010

**TO:** Mayor and City Council

**SUBJECT:** Lawrence-Dumont Stadium – Capital Improvement Program (CIP) Funded Improvements (District IV)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the resolution.

**Background:** Lawrence-Dumont Stadium is a historic baseball stadium and home to the Wichita Wingnuts, a member of the American Association of Independent Baseball. The stadium is one of the oldest facilities for professional baseball still in use in the United States, and its nostalgic atmosphere plays an important role in the fans' enjoyment.

Considerable work has been done over the years to update the stadium, but there is a need for additional work to meet the needs of the both the players and the fans.

**Analysis:** Current priorities at Lawrence-Dumont Stadium are:

- The artificial turf on the playing field is in need of replacement.
- The main electrical service is in need of replacement to meet current requirements of stadium lighting as well as vital operational services.
- The current life-safety system (smoke detection, alarm enunciation, and fire suppression) is outdated and does not meet local code requirements, and needs to be revised/re-designed to bring it up to current standards.
- The roof of the administration building is in need of replacement/repairs to alleviate leaks.

City Council approval of the resolution is required for staff to proceed with replacement of the artificial turf, electrical service design, and the life safety revisions needed to bring the facility into compliance with current codes and ordinances, by initiating the funds in the Adopted 2009 – 2018 CIP.

**Financial Considerations:** Project funding is budgeted in the Adopted 2009-2018 CIP in the amounts of \$380,000 in 2009 for the electrical service design and administrative building roof replacement, \$1,720,000 in 2010 for the replacement of the artificial turf and electrical service replacement, and \$260,000 in 2011 for life safety updates and revisions, for a total of \$2,360,000.

**Goal Impact:** This project addresses the Enhance Quality of Life goal by providing an entertainment facility that is code compliant and offers current technology in an historic setting.

**Legal Considerations:** The Law Department has approved the resolution as to form.

**Recommendation/Action:** It is recommended that the City Council adopt the resolution and authorize the necessary signatures.

**Attachments:** CIP sheet and resolution.

CAPITAL IMPROVEMENT			
PROJECT AUTHORIZATION		CITY OF WICHITA	
USB: To Initiate Project <u>X</u> To Revise Project _____		1. Prepare in duplicate 2. Send original & 2 copies to budget 3. City Manager to sign all copies 4. File original w/ initiating resolution in City Clerk 5. Return 2nd copy to initiating department 6. Send 3rd copy to Controller	
1. Initiating Department PUBLIC WORKS	2. Initiating Division BUILDING SERVICES	3. Date 9/29/2010	4. Project Description & Location Lawrence Damant Stadium Improvements 300 S Syracuse
5. CIP Project Number PB-455463	6. Accounting Number See Remarks Below	7. CIP Project Date (Year) 2009-2018	8. Approved by WCC <u>NO</u> Date _____
9. Estimated Start Date Spring 2010	10. Estimated Completion Date Fall 2011	11. Project Revised _____	
12. Project Cost Estimate		12A.	
ITEM	GO SA OTHER	TOTAL	Yes No
CONSTRUCTION			
Paving, grading & const.	2,124,000.00	2,124,000.00	Platting Required _____ Lot Split _____
Bridge & Culverts			Petition _____
Drainage			Ordered by WCC <u>X</u>
Sanitary Sewer			
Sidewalks			Remarks: _____
Water			OCA # 792546 LDS Turf Replacement
Other DESIGN	236,000.00	236,000.00	OCA # 792547 - LDS New Electrical Service
Totals	2,360,000.00	2,360,000.00	OCA # 792548 - LDS Life Safety Improvement
Total CIP Amount Budgeted	2,360,000.00	2,360,000.00	OCA # 792549 LDS Administrative Building Roof Replacement
Total Prelim. Estimate			
13. Recommendation:	APPROVE THE PROJECT, THE RESOLUTION AND AUTHORIZE STAFF TO BEGIN DESIGN PROCEDURES		
Division Head	Department Head	Budget Officer	City Manager
		Date	Date

OCA #792549 Roof Replacement  
OCA #792546 Turf Replacement  
OCA #792547 Electrical Design/Replacement  
OCA #792548 Life Safety

Published in the Wichita Eagle on May 21, 2010

RESOLUTION NO.10-142

A RESOLUTION DETERMINING THE ADVISABILITY OF MAKING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; SETTING FORTH THE GENERAL NATURE AND THE ESTIMATED COST OF SUCH IMPROVEMENTS; AND AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS, TO PAY ALL OR A PORTION OF THE COST THEREOF.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1: That the City of Wichita finds it necessary to design and construct certain improvements as follows:

Repairs and Improvements to Lawrence Dumont Stadium, Located at 300 South Sycamore, Wichita Kansas.

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds of the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost of said improvements is estimated not to exceed \$2,360,000, exclusive of the costs of interest on borrowed money.

SECTION 3. That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4. That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

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Carl Brewer, Mayor

ATTEST:

---

Karen Sublet, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law

City of Wichita  
City Council Meeting  
May 18, 2010

**TO:** Mayor and City Council

**SUBJECT:** 2010 Street Rehabilitation Program (Districts I, II & III)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the project.

**Background:** The Capital Improvement Program (CIP) adopted by the City Council includes ongoing funding to rehabilitate major streets. This General Obligation bond funding is separate from the Contract Maintenance Program that is funded by the Public Works operation budget. Hillside, between Lincoln and Lewis, and southbound K-15 Highway, between I-135 and the Kansas Turnpike, have been selected for this program as they are two of the most severely deteriorated arterial streets in town and are, at best, difficult to maintain.

**Analysis:** The Hillside rehabilitation will consist of the removal and replacement of deteriorated concrete slabs as necessary. K-15 was selected because it is a connecting link state highway and is in need of an asphalt mill and overlay.

**Financial Considerations:** The project budget for Hillside is \$300,000 (GO Bonds). The project budget for K-15 is \$400,000 (\$200,000 from General Obligation bonds and \$200,000 from state funds) for a total budget of \$700,000.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by providing needed street maintenance.

**Legal Considerations:** The Law Department has approved the authorizing ordinance as to legal form.

**Recommendation/Action:** It is recommended that the City Council approve the project, place the ordinance on first reading, and authorize the necessary signatures.

**Attachments:** Maps, CIP sheet, and ordinance

First Published in the Wichita Eagle May 28, 2010

**ORDINANCE NO. 48-743**

AN ORDINANCE DECLARING **HILLSIDE, BETWEEN LINCOLN AND LEWIS, AND K-15 HIGHWAY, BETWEEN THE I-135 FREEWAY AND THE KANSAS TURNPIKE (2010 STREET REHABILITATION PROGRAM) (472-84897)** TO BE MAIN TRAFFICWAYS WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAYS; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 12-685 provides that the governing body of any city shall have the power to designate and establish by ordinance any existing or proposed street, boulevard, avenue, or part thereof to be a main trafficway, the main function of which is the movement of through traffic between areas of concentrated activity within the city, and

WHEREAS, K.S.A. 12-687 provides that the governing body of any city shall have the power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the city at large from the general improvement fund, general revenue fund, internal improvement fund, or any other fund or funds available for such purpose or by the issuance of general improvement bonds.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That **Hillside, between Lincoln and Lewis, and K-15 Highway, between the I-135 Freeway and the Kansas Turnpike (2010 Street Rehabilitation Program) (472-84897)** in the City of Wichita, Kansas are hereby designated and established as main trafficways, the primary function of which is the movement of through traffic between areas of concentrated activity within the City, said designation made under the authority of K.S.A. 12-685.

SECTION 2. It is hereby deemed and declared to be necessary by the governing body of the City of Wichita, Kansas, to make improvements to **Hillside, between Lincoln and Lewis, and K-15 Highway, between the I-135 Freeway and the Kansas Turnpike (2010 Street Rehabilitation Program) (472-84897)** as main trafficways in the following particulars:

The reconstruction of roadways as necessary for a major traffic facility.

SECTION 3. The cost of the construction of the above described improvements is estimated to be **Seven Hundred Thousand Dollars (\$700,000)** exclusive of the cost of interest on borrowed money. To the extent the cost of such improvements are not paid by State Grants, administered by the Kansas Department of Transportation, the City of Wichita, Kansas is authorized to issue general obligation bonds to pay such costs under the authority of K.S.A. 12-689 up to a maximum amount of \$700,000, exclusive of the cost of interest on borrowed money.

SECTION 4. The above described main trafficway improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the City Engineer of the City of Wichita, Kansas and approved by the governing body of the City of Wichita, Kansas. Said plans and specifications are to be placed on file in the office of the City Engineer.

SECTION 5. Be it further ordained that the improvements described herein are hereby authorized under the provisions of K.S.A. 12-685 et seq.

SECTION 6. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 25th day of May, 2010.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
GARY REBENSTORF, DIRECTOR OF LAW





# CAPITAL IMPROVEMENT

## PROJECT AUTHORIZATION

### CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

X

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 4/26/2010	4. Project Description & Location 2010 Street Rehab Program	
5. CIP Project Number MS-	6. Accounting Number	7. CIP Project Date (Year) 2010	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date		11. Project Revised	
As Required	As Required		12A.	
12. Project Cost Estimate				
ITEM	GO	SA	KDOT	TOTAL
Right of Way				
Paving, grading & const.	\$500,000		\$200,000	\$700,000
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Freeway				
Totals	\$500,000		\$200,000	\$700,000
Total CIP Amount Budgeted				
Total Prelim. Estimate				472-84897

No

Yes

Platting Required

Lot Split

Petition

Ordered by WCC

Remarks:

Hillside, Lincoln - Lewis

K-15, J-135 - Turnpike

13. Recommendation: Approve the project and place the ordinance on 1st Reading

Division Head

Department Head

Budget Officer

City Manager

Date

Date

City of Wichita  
City Council Meeting  
May 18, 2010

TO: Mayor and City Council

SUBJECT: Roof Replacements for City Hall Tower Roof, Wichita Art Museum (lower roof), Westlink Library, Osage Recreation Center and Rounds and Porter roof sections 2 and 3 (Districts I, IV, V and VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

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**Recommendation:** Approve the project.

**Background:** Several City buildings have roofs that are well beyond the manufacturer's recommended life cycle and repairs are becoming difficult due to deteriorated membranes.

**Analysis:** Public Works is currently drafting specifications for replacement roofs for City Hall (tower roof), Wichita Art Museum (lower roof), Westlink Library, Osage Recreation Center and Rounds and Porter (remaining 2 sections). These roofs will be replaced with Energy Star rated systems and will help conserve energy used to heat and cool the buildings, thereby reducing their carbon footprint.

**Financial Considerations:** The purpose of this agenda item is to initiate the 2009, 2010 and 2011 funding designated for this purpose, totaling \$2,390,000 of general obligation bonds, in the Adopted 2009-2018 Capital Improvement Program and to establish an account for performing the work. As work plans are developed for various projects over time, individual procurement contracts will be proposed following normal City purchasing procedures.

**Goal Impact:** This project addresses the Efficient Infrastructure goal to maintain and optimize public facilities and assets.

**Legal Considerations:** The Legal Department has approved the resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the project, adopt the resolution and authorize the necessary signatures.

**Attachments:** CIP sheet, resolution and declaration of official intent certificate.

CAPITAL IMPROVEMENT					
PROJECT AUTHORIZATION				USC:	
				To Initiate Project	<input checked="" type="checkbox"/>
				To Revise Project	
CITY OF WICHITA				1. Prepare in triplicate 2. Send original & 2 copies to budget 3. City Manager to sign all copies. 4. File original w/ initiating resolution in City Clerk. 5. Return 2nd copy to initiating department. 6. Send 3rd copy to Controller.	
1. Initiating Department PUBLIC WORKS	2. Initiating Division BUILDING SERVICES	3. Date 2/23/2010	4. Project Description & Location Roof Replacements of lower roof at Wichita Art Museum, Westlink Library roof, Osage Rec Ctr roof, City Hall tower roof and two sections of Rounds & Porter roof		
5. CIP Project Number PN XXXXXX	6. Accounting Number PROJ # 415458 OCA # 792541	7. CIP Project Date (Year) 2009 2010 2011	8. Approved by WCC	Date 20-Apr-10	
9. Estimated Start Date 2010	10. Estimated Completion Date 2011	11. Project Revised			
12. Project Cost Estimate				12A.	
ITEM	GO	SA	OTHER	TOTAL	
Right of Way					Plating Required
Paving, grading & const.					Lot Split
Bridge & Culverts					Petition
Drainage					Ordered by WCC
Sanitary Sewer					
Sidewalk					Remarks:
Water					
OTHER CONSTRUCTION	2,390,000			2,390,000	Request Council approval to authorize Contractual services for \$2,390,000 for
Totals	2,390,000			2,390,000	the roof replacements at Wichita Art Museum (lower roof), Westlink Library,
Total CIP Amount Budgeted	2,390,000			2,390,000	Osage Rec Ctr and additional funding for Tower roof at City Hall and Rounds
Total Prelim. Estimate	2,390,000			2,390,000	& Porter roof (remaining 2 sections).
13. Recommendation: APPROVE THE PROJECT, ADOPT THE RESOLUTION AND AUTHORIZE THE NECESSARY SIGNATURES					
Division Head	Department Head			Budget Officer	City Manager
				Date	Date

RESOLUTION NO. 10-144

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY ALL OR A PORTION OF THE COSTS OF ROOF REPLACEMENTS FOR CITY HALL TOWER ROOF, LOWER ROOF AT WICHITA ART MUSEUM, WESTLINK LIBRARY, OSAGE RECREATION CENTER AND 2 SECTIONS OF THE ROUNDS & PORTER BUILDING.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it is necessary to obtain additional funding for the tower roof at City Hall, replace the lower roof at Wichita Art Museum, replace the roof at Westlink Library and replace the roof at Osage Recreation Center.

SECTION 2. The governing body hereby declares it to be its intention to issue and sell, in the manner provided by law, general obligation bonds under the authority of K.S.A. 13-1024c, as amended by City of Wichita Charter Ordinance No. 156, to pay all or a portion of the cost of obtaining additional funding for the tower roof at City Hall, replacement of the roofs at Wichita Art Museum, Westlink Library, Osage Recreation Center and two sections of Rounds & Porter.

These costs shall be paid by the issuance of general obligation bonds as aforesaid in an amount not to exceed \$2,390,000, exclusive of the costs of interest on borrowed money.

SECTION 3. This Resolution shall take effect and be in force from and after its passage and shall be published in the official City paper.

ADOPTED at Wichita, Kansas, this 18<sup>th</sup> day of May, 2010.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

**DECLARATION OF OFFICIAL INTENT CERTIFICATE**

Comes now Kelly Carpenter, Director of Finance for the City of Wichita, Kansas (the "City") and certifies to the following:

1. She is the duly appointed Finance Director for the City.
2. The Governing Body of the City, by resolutions adopted the 12th day of March, 1992 and the 11th day of July, 1995 (the "Resolutions"), designated and appointed the Director of Finance to act on behalf of the City in declaring the City's official intent to reimburse capital expenditures by issuance of bonds, the purpose of said designation and appointment being to ensure compliance with regulations promulgated by the United States Department of Treasury, Internal Revenue Service under authority of the Internal Revenue Code (the "Regulations").
3. The City reasonably expects to reimburse expenditures for capital improvement projects made after the date this certificate is executed that are identified and set forth herein with the proceeds of bonds to be issued hereafter.
4. This certificate is a declaration of official intent by the City under the Regulations to reimburse expenditures for capital improvement projects identified herein with proceeds from bonds to be issued hereafter.
5. The expenditures that will be made hereafter that the City intends to reimburse under authority of this certificate pertain to a capital improvement project that is described as follows:

ROOF REPLACEMENTS - WICHITA ART MUSEUM, TOWER AT CITY HALL, WESTLINK LIBRARY, OSAGE RECREATION CENTER AND ROUNDS& PORTER (remaining 2 sections).

VARIOUS LOCATIONS WITHIN CITY

PROJECT NUMBER 435458, OCA NUMBER 792541

6. The maximum principal amount of debt the City expects to issue for reimbursement of expenditures made in connection with the capital improvement project described herein is \$2,390,000 dollars exclusive of the cost of interest of borrowed money.
7. This certificate shall upon execution be filed with the City Clerk's office and shall thereafter be kept on file in that office and shall be available for public inspection.
8. This certificate being signed and executed under oath by the Finance Director of the City on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
(month, year)

CITY OF WICHITA, KANSAS

\_\_\_\_\_  
Kelly Carpenter, Director of Finance

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF SEDGWICK    )

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
(month, year)

My appointment expires:

\_\_\_\_\_  
Notary Public

City of Wichita  
City Council Meeting  
May 18, 2010

TO: Mayor and City Council

SUBJECT: Park Lighting at Various Locations (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

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**Recommendation:** Approve the project.

**Background:** Many of the City's lighting systems at various locations have been in place for several decades and are now well past their recommended life cycle. Some of these lights are so deteriorated that they pose an eminent safety risk.

**Analysis:** It is staff's recommendation that many of the older lighting fixtures and systems be replaced. Locations such as Riverside Tennis Center, Bailey Street, McAdams Recreation, Linwood Recreation and several others will be the focus of this Capital Improvement Program (CIP) project. Public Works will work with the Park Department in identifying systems and fixtures that need replacement, with the emphasis on safety concerns.

**Financial Considerations:** The purpose of this agenda item is to initiate the 2009, 2010 and 2011 funding designated for this purpose, totaling \$600,000 of temporary notes (pay as you go), in the Adopted 2009-2018 Capital Improvement Program (CIP) and to establish an account for performing the work. As work plans are developed for various projects over time, individual procurement contracts will be proposed following normal City purchasing procedures.

**Goal Impact:** This project addresses the Efficient Infrastructure goal to maintain and optimize public facilities and assets.

**Legal Considerations:** The Legal Department has approved the resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the project, adopt the resolution and authorize the necessary signatures.

**Attachments:** CIP sheet, resolution and declaration of official intent certificate.

CAPITAL IMPROVEMENT					
PROJECT AUTHORIZATION				USC:	
CITY OF WICHITA				To Initiate Project	X
				To Revise Project	
				1. Prepare in triplicate 2. Send original & 2 copies to budget 3. City Manager to sign all copies. 4. File original w/ initiating resolution in City Clerk. 5. Return 2nd copy to initiating department. 6. Send 3rd copy to Controller.	
1. Initiating Department PUBLIC WORKS	2. Initiating Division BUILDING SERVICES	3. Date 3/10/2010	4. Project Description & Location Park Lighting - Riverside Tennis Center court pole lights, Bailey Street pole lights and dandelion light fixtures at various City locations		
5. CIP Project Number PN XXXXXX	6. Accounting Number PROJ # 415465 OCA # 792453	7. CIP Project Date (Year) 2009, 2010 and 2011	8. Approved by WCC	Date 20-Apr-10	
9. Estimated Start Date 2010	10. Estimated Completion Date 2011	11. Project Revised			
12. Project Cost Estimate				12A.	
ITEM	GO	SA	OTHER	TOTAL	
Right of Way					Plating Required
Paving, grading & const.					Lot Split
Bridge & Culverts					Petition
Drainage					Ordered by WCC
Sanitary Sewer					
Sidewalk					Remarks:
Water					
OTHER CONSTRUCTION	600,000			600,000	Request Council approval to authorize Contractual services for \$600,000 to
Totals	600,000			600,000	repair/replace Park Lighting at Riverside Tennis Center court pole lights,
Total CIP Amount Budgeted	600,000			600,000	Bailey Street pole lights and dandelion light fixtures at various City locations.
Total Prelim. Estimate	600,000			600,000	
13. Recommendation: APPROVE THE PROJECT, ADOPT THE RESOLUTION AND AUTHORIZE THE NECESSARY SIGNATURES					
Division Head	Department Head			Budget Officer	City Manager
				Date	Date

RESOLUTION NO. 10-143

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY ALL OR A PORTION OF THE COSTS OF PARK LIGHTING FOR RIVERSIDE TENNIS CENTER COURT POLE LIGHTS, BAILEY STREET POLE LIGHTS AND ROTTED OUT POLE BASES AT VARIOUS LOCATIONS.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it is necessary to repair Park Lighting at Riverside Tennis Center Court Pole Lights, Bailey Street Pole Lights and replace rotted out pole bases at various locations.

SECTION 2. The governing body hereby declares it to be its intention to issue and sell, in the manner provided by law, general obligation bonds under the authority of K.S.A. 13-1024c, as amended by City of Wichita Charter Ordinance No. 156, to pay all or a portion of the cost of repairs and/or replacements of Park lighting at Riverside Tennis Center Court pole lights, Bailey Street pole lights and rotted out pole bases at various locations.

These costs shall be paid by the issuance of general obligation bonds as aforesaid in an amount not to exceed \$600,000, exclusive of the costs of interest on borrowed money.

SECTION 3. This Resolution shall take effect and be in force from and after its passage and shall be published in the official City paper.

ADOPTED at Wichita, Kansas, this 18<sup>th</sup> day of May, 2010.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf  
Director of Law

**DECLARATION OF OFFICIAL INTENT CERTIFICATE**

Comes now Kelly Carpenter, Director of Finance for the City of Wichita, Kansas (the "City") and certifies to the following:

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2. The Governing Body of the City, by resolutions adopted the 12th day of March, 1992 and the 11th day of July, 1995 (the "Resolutions"), designated and appointed the Director of Finance to act on behalf of the City in declaring the City's official intent to reimburse capital expenditures by issuance of bonds, the purpose of said designation and appointment being to ensure compliance with regulations promulgated by the United States Department of Treasury, Internal Revenue Service under authority of the Internal Revenue Code (the "Regulations").
3. The City reasonably expects to reimburse expenditures for capital improvement projects made after the date this certificate is executed that are identified and set forth herein with the proceeds of bonds to be issued hereafter.
4. This certificate is a declaration of official intent by the City under the Regulations to reimburse expenditures for capital improvement projects identified herein with proceeds from bonds to be issued hereafter.
5. The expenditures that will be made hereafter that the City intends to reimburse under authority of this certificate pertain to a capital improvement project that is described as follows:

PARK LIGHTING, RIVERSIDE TENNIS CENTER, BAILEY STREET, AND DERELICT LIGHT  
FIXTURES AT VARIOUS CITY LOCATIONS.  
PROJECT NUMBER 435465, OCA NUMBER 792553

6. The maximum principal amount of debt the City expects to issue for reimbursement of expenditures made in connection with the capital improvement project described herein is \$600,000.00 dollars exclusive of the cost of interest of borrowed money.
7. This certificate shall upon execution be filed with the City Clerk's office and shall thereafter be kept on file in that office and shall be available for public inspection.
8. This certificate being signed and executed under oath by the Finance Director of the City on the \_\_\_\_ day of \_\_\_\_\_, 2010.  

(month, year)

CITY OF WICHITA, KANSAS

\_\_\_\_\_  
Kelly Carpenter, Director of Finance

STATE OF KANSAS                    )  
  ) ss:  
COUNTY OF SEDGWICK         )

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2010.  

(month, year)

My appointment expires:

\_\_\_\_\_  
Notary Public

**City of Wichita**  
**City Council Meeting**  
May 18, 2010

**TO:** Mayor and City Council Members

**SUBJECT:** 2010 Bulletproof Vest Partnership Grant

**INITIATED BY:** Wichita Police Department

**AGENDA:** Consent

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**Recommendation:** Approve the application.

**Background:** The Department of Justice is currently accepting applications for their 2010 Bulletproof Vest Partnership (BVP) grant. The BVP grant provides funds for law enforcement agencies to purchase bulletproof vests in an effort to reduce injury and death to law enforcement officers. Wichita Police Department has been a recipient of this grant for the past eight years. The application is due for online submission by June 1, 2010.

**Analysis:** National Institute of Justice approved vests purchased by the Wichita Police Department will be eligible for reimbursement of up to 50 percent per vest, depending on the final award amount. Currently a typical vest service life is five years and requires replacement at the expiration of such time. The funding will be used to purchase new and replacement vests for police officers.

**Financial Considerations:** The City of Wichita is applying for funding up to \$33,000 for the purchase of 100 bulletproof vests. This funding will help the Wichita Police Department make efficient use of limited financial resources. Historically, the amounts awarded are lower than amounts applied for.

**Goal Impact:** Provide a Safe and Secure Community by ensuring Wichita Police Officers have adequate safety equipment to perform their job duties.

**Legal Considerations:** None.

**Recommendations/Actions:** It is recommended the City Council approve the application for the 2010 Bulletproof Vest Partnership grant.

**Attachments:** None.

**Second Reading Ordinances for May 18, 2010 (first read on May 11, 2010)**

Nuisance Abatement Assessments (I, II, III, IV, and VI)

ORDINANCE NO. 48-737

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (Lot Clean Up) under the provision of Section 7.40.050 of the code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas.

ORDINANCE NO. 48-738

An Ordinance making a special assessment to pay for the cost of Cutting Weeds in the City of Wichita, Kansas.

119th Street West Improvement, between Pawnee and Kellogg. (District IV)

ORDINANCE NO. 48-739

An Ordinance declaring 119th St. West, between Pawnee and Kellogg (472-84694) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

ZON2010-00012 – Amendment #1 to Protective Overlay #219 for items C and J; generally located southeast of the intersection of Mid-Continent Drive and University Avenue. (District V)

ORDINANCE NO. 48-740

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.